

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(8)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed \$11,901,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(8)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$75,070,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

(a) **IN GENERAL.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of \$2,040,031,000 as follows:

(1) For military construction projects inside the United States authorized by section 2301(a), \$877,539,000.

(2) For military construction projects outside the United States authorized by section 2301(b), \$22,452,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$6,844,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, \$63,180,000.

(5) For advances to the Secretary of Transportation for construction of defense access roads under section 210 of title 23, United States Code, \$7,150,000.

(6) For the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2594) for the construction of the climatic test chamber at Eglin Air Force Base, Florida, \$37,000,000.

(7) For phase II of the relocation and construction of up to 1,068 family housing units at Scott Air Force Base, Illinois, authorized by section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2596), \$10,000,000.

(8) For military family housing functions: (A) For construction and acquisition of military family housing and facilities, \$177,035,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), \$838,831,000 of which not more than \$118,266,000 may be obligated or expended for leasing of military family housing units worldwide.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a).

**SEC. 2305. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.**

(a) **FISCAL YEAR 1993 CONSTRUCTION AND FAMILY HOUSING PROJECTS.**—(1) The table in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2595) is amended by striking out the item relating to March Air Force Base, California.

(2) Section 2303 of such Act (106 Stat. 2596) is amended by striking out “\$150,000,000” and inserting in lieu thereof “\$139,649,000”.

(3) Section 2304(a) of such Act (106 Stat. 2596) is amended—

(A) by striking out “\$2,062,707,000” and inserting in lieu thereof “\$2,014,005,000”; and

(B) in paragraph (5)(A), by striking out “\$283,786,000” and inserting in lieu thereof “\$235,084,000”.

(b) **FISCAL YEAR 1992 CONSTRUCTION AND FAMILY HOUSING PROJECTS.**—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1521) is amended—

(A) under the heading “FLORIDA”, by striking out the item relating to Homestead Air Force Base; and

(B) under the heading “NEW YORK”—

(i) in the item relating to Griffiss Air Force Base, by striking out “\$2,700,000” and inserting in lieu thereof “\$1,200,000”; and

(ii) in the item relating to Plattsburgh Air Force Base, by striking out “\$9,040,000” and inserting in lieu thereof “\$960,000”.

(2) Section 2303 of such Act (105 Stat. 1525) is amended by striking out “\$141,236,000” and inserting in lieu thereof “\$134,836,000”.

(3) Section 2305(a) of such Act (105 Stat. 1525), as amended by section 2308(a)(2) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2598), is amended—

(A) by striking out “\$2,054,713,000” and inserting in lieu thereof “\$2,033,833,000”; and

(B) in paragraph (1), by striking out “\$744,380,000” and inserting in lieu thereof “\$729,900,000”; and

(C) in paragraph (8)(A), by striking out “\$161,538,000” and inserting in lieu thereof “\$155,138,000”.

(c) **FISCAL YEAR 1991 CONSTRUCTION PROJECTS.**—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) is amended—

(A) under the heading “CALIFORNIA”, by striking out the item relating to March Air Force Base;

(B) under the heading “FLORIDA”—

(i) by striking out the item relating to Avon Park Range; and

(ii) in the item relating to Homestead Air Force Base, by striking out “\$7,900,000” and inserting in lieu thereof “\$2,400,000”; and

(C) under the heading “IDAHO”, by striking out the item relating to Mountain Home Air Force Base;

(D) under the heading “MAINE”, by striking out the item relating to Bangor Air National Guard Base; and

(E) under the heading “NEW YORK”, by striking out the item relating to Griffiss Air Force Base.

(2) Section 2304(a) of such Act (104 Stat. 1773), as amended by section 2308(b)(3) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2598) and section 2310(a)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1527), is amended—

(A) by striking out “\$1,905,075,000” and inserting in lieu thereof “\$1,891,005,000”; and

(B) in paragraph (1), by striking out “\$724,855,000” and inserting in lieu thereof “\$710,785,000”.

(d) **FISCAL YEAR 1990 CONSTRUCTION PROJECTS.**—(1) Section 2301(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1630) is amended—

(A) under the heading “FLORIDA”, by striking out the item relating to Homestead Air Force Base; and

(B) under the heading “OHIO”, in the item relating to Newark Air Force Base, by striking out “\$2,980,000” and inserting in lieu thereof “\$2,300,000”.

(2) Section 2304(a) of such Act (103 Stat. 1636), as amended by section 2310(b)(2) of the

Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1528) and section 2306(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1774) is amended—

(A) by striking out “the total amount” and all that follows through “as follows:” and inserting in lieu thereof “the total amount of \$2,057,118,000, as follows:”; and

(B) in paragraph (1), by striking out “section 2301(a)” and all that follows through the period and inserting in lieu thereof “section 2301(a), \$809,316,000”.

**SEC. 2306. RELOCATION OF AIR FORCE ACTIVITIES FROM SIERRA ARMY DEPOT, CALIFORNIA, TO BEALE AIR FORCE BASE, CALIFORNIA.**

(a) **STUDENT DORMITORY.**—Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1769) is amended in the matter under the heading “CALIFORNIA”—

(1) by striking out “Sierra Army Depot, \$3,650,000.”; and

(2) by striking out “Beale Air Force Base, \$6,300,000.” and inserting in lieu thereof the following: “Beale Air Force Base, \$9,950,000.”.

(b) **MUNITION MAINTENANCE FACILITY.**—Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1521) is amended in the matter under the heading “CALIFORNIA”—

(1) by striking out “Sierra Army Depot, \$2,700,000.”; and

(2) by striking out “Beale Air Force Base, \$2,250,000.” and inserting in lieu thereof the following: “Beale Air Force Base, \$4,950,000.”.

**SEC. 2307. COMBAT ARMS TRAINING AND MAINTENANCE FACILITY RELOCATION FROM WHEELER AIR FORCE BASE, HAWAII, TO UNITED STATES ARMY SCHOFIELD BARRACKS OPEN RANGE, HAWAII.**

Section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1770) is amended in the matter under the heading “HAWAII”—

(1) by striking out “Wheeler Air Force Base, \$3,500,000.” and inserting in lieu thereof the following: “Wheeler Air Force Base, \$2,100,000.”; and

(2) by inserting after the item relating to Hickam Air Force Base the following new item:

“United States Army Schofield Barracks Open Range, \$1,400,000.”.

**SEC. 2308. AUTHORITY TO TRANSFER FUNDS AS PART OF THE IMPROVEMENT OF DYARSAT CHANNEL, LUKE AIR FORCE BASE, ARIZONA.**

(a) **TRANSFER AUTHORITY.**—The Secretary of the Air Force may transfer to the Flood Control District of Maricopa County, Arizona (in this section referred to as the “District”), funds appropriated for fiscal years beginning after September 30, 1993, for a project, authorized in section 2301(a), to widen and make other improvements to Dysart Channel. Such improvements may include the construction of necessary detention basins and other features that are needed to prevent flooding of Luke Air Force Base, Arizona.

(b) **USE OF FUNDS.**—All funds transferred pursuant to subsection (a) shall be used by the District only for the purpose of conducting the project described in such subsection.

(c) **CONDITIONS ON TRANSFER.**—Funds may not be transferred pursuant to subsection (a) until after the date on which the Secretary and the District enter into an agreement that addresses cost sharing for the widening and other improvements to be made to Dysart Channel and such other matters asso-

ciated with the project as the Secretary considers to be appropriate.

(d) **LIMITATION ON AIR FORCE COST SHARE.**—The Air Force share of the costs of the project described in subsection (a) may not exceed the lesser of—

- (1) 50 percent of the total project cost; or
- (2) \$6,000,000.

(e) **CONSIDERATION.**—As consideration for the financial assistance provided pursuant to subsection (a), the District shall convey to the United States all right, title, and interest of the District in and to the real property, if any, acquired by the District in widening Dysart Channel and making the other improvements, such as detention basins as referred to in subsection (a).

**SEC. 2309. AUTHORITY TO TRANSFER FUNDS FOR SCHOOL CONSTRUCTION FOR LACKLAND AIR FORCE BASE, TEXAS.**

(a) **TRANSFER AUTHORITY.**—Subject to subsection (b), the Secretary of the Air Force may transfer to the Lackland Independent School District, Texas, not more than \$8,000,000 of the funds appropriated by the Military Construction Appropriations Act, 1993 (Public Law 102-380; 106 Stat. 1366), pursuant to the authorization of appropriations in section 2304(a)(1) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat.

2596) for military construction relating to Lackland Air Force Base, Texas, as authorized in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 1993.

(b) **USE OF FUNDS.**—All funds transferred pursuant to subsection (a) shall be used by the Lackland Independent School District to pay for the design and construction of a new secondary school, the renovation of an elementary school, and the design and construction of a new kindergarten and special education facility.

**SEC. 2310. TRANSFER OF FUNDS FOR CONSTRUCTION OF FAMILY HOUSING, SCOTT AIR FORCE BASE, ILLINOIS.**

(a) **TRANSFER REQUIRED.**—The Secretary of the Air Force shall transfer to the County of St. Clair, Illinois (in this section referred to as the “County”), all funds made available for the construction of military family housing at Scott Air Force Base, Illinois, as authorized in section 2302(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2595).

(b) **USE OF FUNDS.**—All funds transferred pursuant to subsection (a) shall be used by the County for the construction, at a location acceptable to the Secretary, of a family housing complex to replace the Cardinal

Creek Housing Complex at Scott Air Force Base.

**SEC. 2311. INCREASE IN AUTHORIZED UNIT COST FOR CERTAIN FAMILY HOUSING, RANDOLPH AIR FORCE BASE, TEXAS.**

Section 2303(b) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1635) is amended in the item relating to Randolph Air Force Base, Texas, by striking out “\$78,000” and inserting in lieu thereof “\$95,000”.

**TITLE XXIV—DEFENSE AGENCIES**

**SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(1) and, in the case of the project described in section 2403(b)(2), other amounts appropriated pursuant to authorizations enacted after this Act for that project, the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

Agency	Installation or location	Amount
Defense Logistics Agency .....	Defense Reutilization and Marketing Office, Fairbanks, Alaska .....	\$6,500,000
	Defense Reutilization and Marketing Office, March Air Force Base, California .....	\$630,000
	Defense Fuel Support Point, Pearl Harbor, Hawaii .....	\$2,250,000
	Defense Construction Supply Center, Columbia, Ohio .....	\$3,100,000
	Defense Reutilization and Marketing Office, Hill Air Force Base, Utah .....	\$1,700,000
	Defense General Supply Center, Richmond, Virginia .....	\$17,000,000
	Fort Belvoir, Virginia .....	\$5,200,000
Defense Medical Facility Office .....	Cannon Air Force Base, New Mexico .....	\$13,600,000
	Edwards Air Force Base, California .....	\$1,700,000
	Ellsworth Air Force Base, South Dakota .....	\$1,400,000
	Fairchild Air Force Base, Washington .....	\$8,250,000
	Fort Detrick, Maryland .....	\$4,300,000
	Fort Eustis, Virginia .....	\$3,650,000
	Fort Sam Houston, Texas .....	\$4,800,000
	Grand Forks Air Force Base, North Dakota .....	\$860,000
	Marine Corps Air Station, Yuma, Arizona .....	\$6,000,000
	Naval Education Training Center, Rhode Island .....	\$4,000,000
	Offutt Air Force Base, Nebraska .....	\$1,100,000
National Security Agency .....	Fort Meade, Maryland .....	\$58,630,000
Office Secretary of Defense .....	CONUS Classified .....	\$5,600,000
Section 6 Schools .....	Camp Lejeune, North Carolina .....	\$1,793,000
	Fort Bragg, North Carolina .....	\$8,838,000
	Fort Campbell, Kentucky .....	\$13,182,000
	Fort Knox, Kentucky .....	\$7,707,000
	Fort McClellan, Alabama .....	\$2,798,000
	Fort Polk, Louisiana .....	\$4,950,000
	Quantico Marine Corps Base, Virginia .....	\$422,000
	Robins Air Force Base, Georgia .....	\$3,160,000
Special Operations Force .....	Eglin Auxiliary Field No. 9, Florida .....	\$19,582,000
	Fort Campbell, Kentucky .....	\$6,950,000
	Fort Bragg, North Carolina .....	\$38,450,000
	Little Creek Naval Amphibious Base, Virginia .....	\$7,500,000
	Olmstead Field, Pennsylvania .....	\$1,300,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(2), the Secretary of Defense may ac-

quire real property and carry out military construction projects for the installations and locations outside the United States, and

in the amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

Agency	Installation or location	Amount
Defense Logistics Agency .....	Diego Garcia .....	\$9,558,000

## Defense Agencies: Outside the United States—Continued

Agency	Installation or location	Amount
Office Secretary of Defense .....	Classified location .....	\$10,755,000

**SEC. 2402. ENERGY CONSERVATION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a)(12), the Secretary of Defense may carry out energy conservation projects under section 2865 of title 10, United States Code.

**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of \$3,268,394,000 as follows:

(1) For military construction projects inside the United States authorized by section 2401(a), \$266,902,000.

(2) For military construction projects outside the United States authorized by section 2401(b), \$20,313,000.

(3) For military construction projects at Fort Sam Houston, Texas, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act, 1987 (division B of Public Law 99-661; 100 Stat. 4035), \$50,000,000.

(4) For military construction projects at Portsmouth Naval Hospital, Virginia, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1640), \$20,000,000.

(5) For military construction projects at Walter Reed Institute of Research, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), \$15,000,000.

(6) For military construction projects at Elmendorf Air Force Base, Alaska, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), \$37,000,000.

(7) For military construction projects at Fort Bragg, North Carolina, hospital replacement, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), \$35,000,000.

(8) For military construction projects at Millington Naval Air Station, Tennessee, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2599), \$5,000,000.

(9) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, \$21,658,000.

(10) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, \$12,200,000.

(11) For architectural and engineering services and for construction design under section 2807 of title 10, United States Code, \$42,405,000.

(12) For energy conservation projects authorized by section 2402, \$50,000,000.

(13) For base closure and realignment activities as authorized by title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note), \$12,830,000.

(14) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A

of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note):

(A) For military installations approved for closure or realignment in 1991, \$1,526,310,000.

(B) For military installations approved for closure or realignment in 1993, \$1,144,000,000.

(15) For military family housing functions (including functions described in section 2833 of title 10, United States Code), \$27,496,000, of which not more than \$22,882,000 may be obligated or expended for the leasing of military family housing units worldwide.

(b) LIMITATION OF TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) \$17,720,000 (the balance of the amount authorized under section 2401(a) for the construction of a supercomputer facility at Fort Meade, Maryland).

**SEC. 2404. TERMINATION OF AUTHORITY TO CARRY OUT CERTAIN PROJECTS.**

(a) FISCAL YEAR 1992 CONSTRUCTION PROJECTS.—Section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1528) is amended by striking out the following items:

(1) Under the heading “DEFENSE LOGISTICS AGENCY”, the item relating to Dayton Defense Electronics Supply Station, Ohio.

(2) Under the heading “DEFENSE MEDICAL FACILITIES OFFICE”, the items relating to—

(A) Homestead Air Force Base, Florida; and

(B) Dallas Naval Air Station, Texas.

(b) CONFORMING AMENDMENTS.—Section 2404 of such Act (105 Stat. 1531) is amended—

(1) in subsection (a)—

(A) by striking out “\$1,680,940,000” and inserting in lieu thereof “\$1,665,440,000”; and

(B) by striking out “\$434,500,000” in paragraph (1) and inserting in lieu thereof “\$419,000,000”; and

(2) in subsection (c)—

(A) by inserting “and” in paragraph (1) after the semicolon;

(B) by striking out “; and” at the end of paragraph (2) and inserting in lieu thereof a period; and

(C) by striking out paragraph (3).

[Title XXV—NATO Infrastructure]

**TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION INFRASTRUCTURE****SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Infrastructure Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 1993, for contributions by the Sec-

retary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Infrastructure Program as authorized by section 2501, in the amount of \$140,000,000.

[Title XXVI—Guard and Reserve Facilities]

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES****SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

There are authorized to be appropriated for fiscal years beginning after September 30, 1993, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 133 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, \$283,483,000; and

(B) for the Army Reserve, \$101,433,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, \$25,013,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, \$236,341,000; and

(B) for the Air Force Reserve, \$73,927,000.

**SEC. 2602. REDUCTION IN AMOUNTS AUTHORIZED TO BE APPROPRIATED FOR RESERVE MILITARY CONSTRUCTION PROJECTS.**

(a) FISCAL YEAR 1993 AUTHORIZATIONS.—Section 2601 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602) is amended—

(1) in paragraph (2), by striking out “\$17,200,000” and inserting in lieu thereof “\$10,700,000”; and

(2) in paragraph (3)(B), by striking out “\$6,580,000” and inserting in lieu thereof “\$4,880,000”.

(b) FISCAL YEAR 1992 AUTHORIZATION.—Section 2601(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1534) is amended by striking out “\$56,900,000” and inserting in lieu thereof “\$31,800,000”.

(c) FISCAL YEAR 1991 AUTHORIZATIONS.—Section 2601 of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat. 1781) is amended—

(1) in paragraph (2), by striking out “\$80,307,000” and inserting in lieu thereof “\$78,667,000”; and

(2) in paragraph (3)(A), as amended by section 2602(a)(2) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), by striking out “\$176,290,000” and inserting in lieu thereof “\$171,090,000”; and

(3) in paragraph (3)(B), as amended by section 2602(a)(3) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535) and section 2602(c) of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2602), by striking out “(B)” and all that follows through the period and inserting in lieu thereof “(B) for the Air Force Reserve, \$32,350,000”.

(d) FISCAL YEAR 1990 AUTHORIZATIONS.—Section 2601 of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1645) is amended—

(1) in paragraph (2), by striking out “\$56,600,000” and inserting in lieu thereof “\$54,250,000”; and

(2) in paragraph (3)(A), as amended by section 2602(b)(1) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), by striking out “\$195,628,000” and inserting in lieu thereof “\$195,088,000”.

**SEC. 2603. UNITED STATES ARMY RESERVE COMMAND HEADQUARTERS FACILITY.**

(a) PROJECT AUTHORIZED.—Using amounts appropriated pursuant to the authorization of appropriations in section 2601(1)(B), and other amounts appropriated pursuant to authorizations enacted after this Act for this project, the Secretary of the Army may construct at Fort McPherson, Georgia, a headquarters facility for the United States Army Reserve Command and may contract for architectural and engineering services and construction design services in connection with such construction project.

(b) LIMITATION ON TOTAL COST OF PROJECT.—The cost of the construction project authorized by subsection (a) may not exceed \$36,400,000.

(c) MULTIYEAR CONTRACT AUTHORIZED.—In order to carry out the construction project authorized in subsection (a), the Secretary may enter into a multiyear contract in advance of appropriations therefor.

(d) FUNDING.—Of the amount authorized to be appropriated pursuant to section

2601(1)(B), \$15,000,000 shall be available to carry out the project authorized by subsection (a).

**SEC. 2604. LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**

Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total amount of all projects carried out under section 2601(1)(B) may not exceed the total amount authorized to be appropriated under such section and \$21,400,000 (the balance of the amount authorized for the construction of a command headquarters facility at Fort McPherson, Georgia).

[Title XXVII—Expiration and Extension]

**TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS**

**SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 1997.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Infrastructure program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 1996; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 1997 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Infrastructure program.

**SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1991 PROJECTS.**

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510, 104 Stat. 1782), authorizations for the projects set forth in the tables in subsection (b), as provided in section 2101, 2201, 2301, or 2401 of that Act and extended by section 2702(a) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLES.—The tables referred to in subsection (a) are as follows:

**Army: Extension of 1991 Project Authorizations**

State	Installation or location	Project	Amount
Colorado .....	Falcon Air Force Base .....	Satellite Control Certification Facility .....	\$1,450,000
Missouri .....	Fort Leonard Wood .....	Child Development Center .....	\$3,050,000
Virginia .....	Fort Myer .....	Child Development Center .....	\$2,150,000

**Navy: Extension of 1991 Project Authorization**

State	Installation or location	Project	Amount
Connecticut .....	New London Naval Submarine Base .....	Thames River Dredging .....	\$5,300,000

**Air Force: Extension of 1991 Project Authorizations**

State	Installation or location	Project	Amount
Alaska .....	Clear Air Force Station .....	Alter Dormitory (Phase II) .....	\$5,000,000
.....	King Salmon Airport .....	Vehicle Refuel Maintenance Shop .....	\$2,500,000
California .....	Sierra Army Depot .....	Dormitory .....	\$3,650,000
Colorado .....	Buckley Air National Guard Base .....	Child Development Center .....	\$4,550,000
.....	United States Air Force Academy .....	Consolidated Education & Training Facility .....	\$15,000,000
Hawaii .....	Hickam Air Force Base .....	Dormitory .....	\$6,100,000
.....	Wheeler Air Force Base .....	Combat Arms Training & Maintenance Facility .....	\$1,400,000
Oklahoma .....	Tinker Air Force Base .....	AWACS Aircraft Fire Protection .....	\$2,750,000
Texas .....	Dyess Air Force Base .....	Corrosion Control Facility .....	\$4,100,000
Utah .....	Hill Air Force Base .....	Depot Warehouse .....	\$16,000,000

## Defense Agencies: Extension of 1991 Project Authorization

State	Installation or location	Project	Amount
Maryland .....	Defense Logistics Agency, Defense Reutilization and Marketing Office, Fort Meade .....	Covered Storage .....	\$9,500,000

**SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1990 PROJECTS.**

(a) EXTENSIONS.—Notwithstanding section 2701(b) of the Military Construction Authorization Act for Fiscal Years 1990 and 1991 (division B of Public Law 101-189; 103 Stat. 1645), authorizations for the projects set forth in

the table in subsection (b), as provided in section 2301 of that Act (103 Stat. 1631) and extended by section 2702(b) of the Military Construction Authorization Act for Fiscal Year 1992 (division B of Public Law 102-190; 105 Stat. 1535) and section 2702 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-

484; 106 Stat. 2604), shall remain in effect until October 1, 1994, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 1995, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

**Air Force: Extension of 1990 Project Authorizations**

State	Installation	Project	Amount
Colorado .....	Lowry Air Force Base .....	Computer operations facility .....	\$15,500,000
		Logistics support facility .....	\$3,500,000

**SEC. 2704. EFFECTIVE DATE.**

Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—

- (1) October 1, 1993; and
- (2) the date of the enactment of this Act.

**TITLE XXVIII—GENERAL PROVISIONS****Subtitle A—Military Construction Program and Military Family Housing Changes****SEC. 2801. MILITARY FAMILY HOUSING LEASING PROGRAMS.**

(a) LEASES IN UNITED STATES, PUERTO RICO, OR GUAM.—Subsection (b) of section 2828 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) At the beginning of each fiscal year, the Secretary concerned shall adjust the maximum lease amount provided for under paragraphs (2) and (3) for the previous fiscal year by the percentage (if any) by which the Consumer Price Index for All Urban Consumers, published by the Bureau of Labor Statistics, during the preceding fiscal year exceeds such Consumer Price Index for the fiscal year before such preceding fiscal year.”

(b) LEASES IN FOREIGN COUNTRIES.—Subsection (e) of such section is amended—

(1) in the first sentence of paragraph (1), by striking out “as adjusted for foreign currency fluctuation from October 1, 1987.” and inserting in lieu thereof “, except that 300 units may be leased in foreign countries for not more than \$25,000 per unit per year.”;

(2) in the second sentence of paragraph (1), by striking out “That maximum lease amount” and inserting in lieu thereof “These maximum lease amounts”; and

(3) by redesignating paragraph (2) as paragraph (4); and

(4) by inserting after paragraph (1) the following new paragraphs:

“(2) In addition to the 300 units of family housing referred to in paragraph (1) for which the maximum lease amount is \$25,000 per unit per year, the Secretary of the Navy may lease not more than 2,000 units of family housing in Italy subject to that maximum lease amount.

“(3) The Secretary concerned shall adjust the maximum lease amounts provided for under paragraphs (1) and (2) for the previous fiscal year—

“(A) for foreign currency fluctuations from October 1, 1987; and

“(B) at the beginning of each fiscal year, by the percentage (if any) by which the Consumer Price Index for All Urban Consumers,

published by the Bureau of Labor Statistics, during the preceding fiscal year exceeds such Consumer Price Index for the fiscal year before such preceding fiscal year.”

**SEC. 2802. SALE OF ELECTRICITY FROM ALTERNATE ENERGY AND COGENERATION PRODUCTION FACILITIES.**

(a) AVAILABILITY OF PROCEEDS FOR CERTAIN CONSTRUCTION PROJECTS.—Subsection (b) of section 2483 of title 10, United States Code, is amended—

- (1) by inserting “(1)” after “(b)”;
- (2) by adding at the end the following new paragraph:

“(2) Subject to the availability of appropriations for this purpose, proceeds credited under paragraph (1) may be used to carry out military construction projects under the energy performance plan developed by the Secretary of Defense under section 2865(a) of this title, including minor military construction projects authorized under section 2805 of this title that are designed to increase energy conservation.”

(b) NOTIFICATION REGARDING PROJECTS.—Such section is further amended by adding at the end the following new subsection:

“(c) Before carrying out a military construction project described in subsection (b) using proceeds from sales under subsection (a), the Secretary concerned shall notify Congress in writing of the project, the justification for the project, and the estimated cost of the project. The project may be carried out only after the end of the 21-day period beginning on the date the notification is received by Congress.”

**SEC. 2803. AUTHORITY FOR MILITARY DEPARTMENTS TO PARTICIPATE IN WATER CONSERVATION PROGRAMS.**

(a) AUTHORITY.—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2866. Water conservation at military installations**

“(a) WATER CONSERVATION ACTIVITIES.—(1) The Secretary of Defense shall permit and encourage each military department, Defense Agency, and other instrumentality of the Department of Defense to participate in programs conducted by a utility for the management of water demand or for water conservation.

“(2) The Secretary of Defense may authorize a military installation to accept a financial incentive (including an agreement to reduce the amount of a future water bill),

goods, or services generally available from a utility, for the purpose of adopting technologies and practices that—

“(A) relate to the management of water demand or to water conservation; and

“(B) as determined by the Secretary, are cost effective for the Federal Government.

“(3) Subject to paragraph (4), the Secretary of Defense may authorize the Secretary of a military department having jurisdiction over a military installation to enter into an agreement with a utility to design and implement a cost-effective program that provides incentives for the management of water demand and for water conservation and that addresses the requirements and circumstances of the installation. Activities under the program may include the provision of water management services, the alteration of a facility, and the installation and maintenance by the utility of a water-saving device or technology.

“(4)(A) If an agreement under paragraph (3) provides for a utility to pay in advance the financing costs for the design or implementation of a program referred to in that paragraph and for such advance payment to be repaid by the United States, the cost of such advance payment may be recovered by the utility under terms that are not less favorable than the terms applicable to the most favored customer of the utility.

“(B) Subject to the availability of appropriations, a repayment of an advance payment under subparagraph (A) shall be made from funds available to a military department for the purchase of utility services.

“(C) An agreement under paragraph (3) shall provide that title to a water-saving device or technology installed at a military installation pursuant to the agreement shall vest in the United States. Such title may vest at such time during the term of the agreement, or upon expiration of the agreement, as determined to be in the best interests of the United States.

“(b) USE OF WATER COST SAVINGS.—Water cost savings realized under this section shall be used as provided in section 2865(b)(2) of this title.

“(c) WATER CONSERVATION CONSTRUCTION PROJECTS.—(1) The Secretary of Defense may carry out a military construction project for water conservation, not previously authorized, using funds appropriated or otherwise made available to the Secretary for water conservation.

“(2) When a decision is made to carry out a project under paragraph (1), the Secretary

of Defense shall notify the Committees on Armed Services and Appropriations of the Senate and House of Representatives of that decision. Such project may be carried out only after the end of the 21-day period beginning on the date the notification is received by such committees."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

"2866. Water conservation at military installations."

**SEC. 2804. CLARIFICATION OF ENERGY CONSERVATION MEASURES FOR THE DEPARTMENT OF DEFENSE.**

(a) ENERGY EFFICIENT MAINTENANCE.—Subsection (a) of section 2865 of title 10, United States Code, is amended—

(1) in paragraph (3), by inserting ", including energy efficient maintenance," after "conservation measures"; and

(2) by adding at the end the following new paragraph:

"(4) In paragraph (3), the term 'energy efficient maintenance' includes—

"(A) the repair by replacement of equipment or systems, such as lighting, heating, or cooling equipment or systems or industrial processes, with technology that—

"(i) will achieve the most cost-effective energy savings over the life-cycle of the equipment or system being repaired; and

"(ii) will meet the same end needs as the equipment or system being repaired; and

"(B) improvements in an operation or maintenance process, such as improved training or improved controls, that result in reduced costs through energy savings".

(b) USE OF SAVINGS AND USE OF PROCEEDS FROM ELECTRICITY SALES.—Subsection (b) of such section is amended—

(1) in paragraph (1)—

(A) by striking out "The Secretary shall provide that two-thirds" and inserting in lieu thereof "Two-thirds"; and

(B) by striking out "for any fiscal year beginning after fiscal year 1990"; and

(2) in paragraph (2), by striking out "(2) The amount" and all that follows through "the Secretary of Defense." and inserting in lieu thereof the following:

"(2) The Secretary shall provide that the amount that remains available for obligation under paragraph (1) and section 2866(b) of this title, and the funds made available under section 2483(b)(2) of this title, shall be used as follows:

"(A) One-half of the amount shall be used for the implementation of additional energy conservation measures and for water conservation activities at such buildings, facilities, or installations of the Department of Defense as may be designated (in accordance with regulations prescribed by the Secretary of Defense) by the head of the department, agency, or instrumentality that realized the savings referred to in paragraph (1) or in section 2866(b) of this title."

(c) COVERED UTILITIES.—Subsection (d)(1) of such section is amended by adding before the period the following: "or by any utility for water conservation activities".

**SEC. 2805. AUTHORITY TO ACQUIRE EXISTING FACILITIES IN LIEU OF CARRYING OUT CONSTRUCTION AUTHORIZED BY LAW.**

(a) ACQUISITION AUTHORITY.—(1) Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following:

**"§2813. Acquisition of existing facilities in lieu of authorized construction**

"(a) ACQUISITION AUTHORITY.—Using funds appropriated for a military construction project authorized by law for a military installation, the Secretary of the military department concerned may acquire an existing

facility (including the real property on which the facility is located) at or near the military installation instead of carrying out the authorized military construction project if the Secretary determines that—

"(1) the acquisition of the facility satisfies the requirements of the military department concerned for the authorized military construction project; and

"(2) it is in the best interests of the United States to acquire the facility instead of carrying out the authorized military construction project.

"(b) MODIFICATION OR CONVERSION OF ACQUIRED FACILITY.—(1) As part of the acquisition of an existing facility under subsection (a), the Secretary of the military department concerned may carry out such modifications, repairs, or conversions of the facility as the Secretary considers to be necessary so that the facility satisfies the requirements for which the military construction project was authorized.

"(2) The costs of anticipated modifications, repairs, or conversions under paragraph (1) are required to remain within the authorized amount of the military construction project. The Secretary concerned shall consider such costs in determining whether the acquisition of an existing facility is—

"(A) more cost effective than carrying out the authorized military construction project; and

"(B) in the best interests of the United States.

"(c) NOTICE AND WAIT REQUIREMENTS.—A contract may not be entered into for the acquisition of a facility under subsection (a) until the end of the 30-day period beginning on the date the Secretary concerned transmits to the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives a written notification of the determination to acquire an existing facility instead of carrying out the authorized military construction project. The notification shall include the reasons for acquiring the facility."

(2) The table of sections at the beginning of subchapter I of such chapter is amended by adding at the end the following:

"2813. Acquisition of existing facilities in lieu of authorized construction."

(b) APPLICABILITY OF SECTION.—Section 2813 of title 10, United States Code, as added by subsection (a), shall apply with respect to military construction projects authorized on or after the date of the enactment of this Act.

**SEC. 2806. CLARIFICATION OF PARTICIPATION IN DEPARTMENT OF STATE HOUSING POOLS.**

Section 2834(b) of title 10, United States Code, is amended to read as follows:

"(b) The maximum lease amounts specified in section 2828(e)(1) of this title for the rental of family housing in foreign countries shall not apply to housing made available to the Department of Defense under this section. To the extent that the lease amount for units of housing made available under this subsection exceeds such maximum lease amounts, such units shall not be counted in applying the limitation contained in such section on the number of units of family housing for which the Secretary concerned may waive such maximum lease amounts."

**SEC. 2807. EXTENSION OF AUTHORITY TO LEASE REAL PROPERTY FOR SPECIAL OPERATIONS ACTIVITIES.**

(a) EXTENSION OF AUTHORITY.—Section 2680(d) of title 10, United States Code, is amended by striking out "September 30, 1993." and inserting in lieu thereof "September 30, 1995."

(b) EXTENSION OF REPORTING REQUIREMENT.—Section 2863(b) of the National De-

fense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2680 note) is amended by striking out "March 1, 1993, and March 1, 1994," and inserting in lieu thereof "March 1 of each of the years 1994, 1995, and 1996,".

**Subtitle B—Land Transactions Generally**

**SEC. 2811. LAND CONVEYANCE, BROWARD COUNTY, FLORIDA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to Broward County, Florida (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 18.45 acres and comprising a portion of Fort Lauderdale-Hollywood International Airport, Florida.

(b) CONSIDERATION.—The County shall provide the United States with consideration for the real property conveyed under subsection (a) that is equal to at least the fair market value of the property conveyed. The County shall provide consideration by one of the following methods, to be selected by the Secretary:

(1) Constructing (or paying the costs of constructing) at a location selected by the Secretary within Broward County, Florida, a suitable facility to replace the improvements conveyed under subsection (a).

(2) Paying to the United States an amount equal to the fair market value of the real property conveyed under subsection (a).

(c) REQUIREMENT RELATING TO CONSTRUCTION.—If the County constructs (or pays the costs of constructing) a replacement facility under subsection (b)(1), the County shall pay to the United States the amount, if any, by which the fair market value of the property conveyed under subsection (a) exceeds the fair market value of the replacement facility.

(d) REPLACEMENT FACILITY.—If the County pays the fair market value of the real property under subsection (b)(2) as consideration for the conveyance authorized under subsection (a), the Secretary shall use the amount paid by the County to construct a suitable facility to replace the improvements conveyed under subsection (a).

(e) DEPOSIT OF PROCEEDS.—The Secretary shall deposit in the account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) any amount paid to the United States under this section that is not used for the purpose of constructing a replacement facility under subsection (d).

(f) DETERMINATION OF FAIR MARKET VALUE.—The Secretary shall determine the fair market value of the real property to be conveyed under subsection (a) and of the improvements, if any, constructed under subsection (b)(1). Such determination shall be final.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the County.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2812. LAND CONVEYANCE, NAVAL AIR STATION OCEANA, VIRGINIA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the City of Virginia Beach, Virginia (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property included on the real property inventory of Naval Air Station

Oceana in Virginia Beach, Virginia, and consisting of approximately 3.5 acres. As part of the conveyance of such parcel, the Secretary shall grant the City an easement on such additional acreage as may be necessary to provide adequate ingress and egress to the parcel.

(b) **CONSIDERATION.**—As consideration for the conveyance and easement under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed and the fair market value of the easement to be granted. The Secretary shall determine the fair market value of the property and easement, and such determination shall be final.

(c) **CONDITION OF CONVEYANCE.**—The conveyance authorized by subsection (a) shall be subject to the condition that the City may use the property conveyed only for the following purposes:

(1) The maintenance, repair, storage, and berthing of erosion control and beach replenishment equipment and materiel, including a dredge.

(2) The berthing of police boats.

(3) The provision of operational and administrative personnel space related to the purposes specified in paragraphs (1) and (2).

(d) **REVERSION.**—All right, title, and interest of the City in and to the property conveyed under subsection (a) (including any improvements thereon) and the easement granted under such subsection shall revert to the United States, and the United States shall have the right of immediate reentry on the property, if the Secretary determines—

(1) at any time, that the property conveyed under subsection (a) is not being used for the purposes specified in subsection (c); or

(2) at the end of the 10-year period beginning on the date of the conveyance, that no significant improvements associated with the purposes specified in subsection (c) have been constructed on the property.

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) and the easement to be granted under such subsection shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance and easement under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2813. LAND CONVEYANCE, CRANEY ISLAND FUEL DEPOT, NAVAL SUPPLY CENTER, VIRGINIA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy shall convey to the City of Portsmouth, Virginia, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 135.7 acres, including improvements thereon, comprising a portion of the Craney Island Fuel Depot, Naval Supply Center, Norfolk, Virginia. However, the parcel of real property to be conveyed under this section shall not include sites 3 and 12, as defined in Item 6 of the General Lease No. LO-267 N62470-89-RP-00156 between the City and the United States, dated December 15, 1992.

(b) **DEFINITIONS.**—For purposes of this section:

(1) The term “City” means the City of Portsmouth, Virginia.

(2) The term “Craney Island parcel” means the real property described in subsection (a) that is required to be conveyed under this section.

(3) The term “sites 3 and 12” means the parcels specifically excluded by subsection (a) from the conveyance.

(c) **CONDITIONS OF CONVEYANCE.**—(1) The City shall accept conveyance of the Craney Island parcel under subsection (a) as a poten-

tially responsible party with respect to such parcel pursuant to section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9260(h)(3)).

(2) Nothing in this section shall alter any liability of the United States under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973), or any similar State or local environmental law or regulation with respect to—

(A) the Craney Island parcel; or

(B) sites 3 and 12.

(d) **CONSIDERATION.**—As consideration for the conveyance of the Craney Island parcel under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the Craney Island parcel. Using normal and customary procedures for determining the fair market value of real property, the Secretary shall determine the fair market value of the Craney Island parcel in consultation with the City Manager of the City. Such determination shall be final.

(e) **DEPOSIT OF PROCEEDS.**—The Secretary shall deposit amounts received as consideration for the conveyance under subsection (a) in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(f) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the Craney Island parcel and sites 3 and 12 shall be determined by a survey satisfactory to the Secretary and the City Manager of the City. The cost of each survey shall be borne by the City.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance of the Craney Island parcel as the Secretary considers appropriate to protect the interests of the United States and are agreed to by the City.

**SEC. 2814. LAND CONVEYANCE, PORTSMOUTH, VIRGINIA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Navy may convey to Peck Iron and Metal Company, Inc. (in this section referred to as “Peck”), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 1.45 acres, including improvements thereon, located in Portsmouth, Virginia, that, on the date of the enactment of this Act, is leased to Peck pursuant to Department of the Navy lease N62470-91-RP-00261, effective August 1, 1991.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), Peck shall pay to the United States an amount equal to the fair market value of the property to be conveyed, as determined by the Secretary.

(c) **DEPOSIT OF PROCEEDS.**—The Secretary shall deposit in the special account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)) the amount received from Peck under subsection (b).

(d) **CONDITIONS OF CONVEYANCE.**—(1) The conveyance authorized by subsection (a) shall be subject to the condition that Peck accept conveyance of the property as a potentially responsible party with respect to the property pursuant to section 120(h)(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9260(h)(3)).

(2) Nothing in this section shall alter any liability of the United States under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607(a)), section 7003 of the Solid Waste Disposal Act (42 U.S.C. 6973), or

any similar State or local environmental law or regulation with respect to the property conveyed under subsection (a).

(e) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by Peck.

(f) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2815. LAND CONVEYANCE, IOWA ARMY AMMUNITION PLANT, IOWA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Army may convey to the City of Middletown, Iowa (in this section referred to as the “City”), all right, title, and interest of the United States in and to a parcel of real property (including improvements thereon) consisting of approximately 127 acres at the Iowa Army Ammunition Plant, Iowa.

(b) **CONSIDERATION.**—As consideration for the conveyance under subsection (a), the City shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The Secretary shall determine the fair market value of the property, and such determination shall be final.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2816. LAND CONVEYANCE, RADAR BOMB SCORING SITE, CONRAD, MONTANA.**

(a) **CONVEYANCE AUTHORIZED.**—The Secretary of the Air Force may convey, without consideration, to the City of Conrad, Montana (in this section referred to as the “City”), all right, title, and interest of the United States in and to the parcel of real property consisting of approximately 42 acres located in Conrad, Montana, which has served as the location of a support complex, recreational facilities, and family housing for the Radar Bomb Scoring Site, Conrad, Montana, together with any improvements thereon.

(b) **CONDITION OF CONVEYANCE.**—The conveyance authorized under subsection (a) shall be subject to the condition that the City—

(1) utilize the property and recreational facilities conveyed under that subsection for housing and recreation purposes; or

(2) enter into an agreement with an appropriate public or private entity to lease such property and facilities to that entity for such uses.

(c) **REVERSION.**—If the Secretary determines at any time that the property conveyed under subsection (a) is not being utilized in accordance with subsection (b) all right, title, and interest in and to the property conveyed pursuant to such subsection, including any improvements thereon, shall revert to the United States and the United States shall have the right of immediate entry onto the property.

(d) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property conveyed under this section shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the City.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional



terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2817. LAND CONVEYANCE, CHARLESTON, SOUTH CAROLINA.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the Division of Public Railways, South Carolina Department of Commerce (in this section referred to as the "Railway") all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 10.9 acres and comprising a portion of the Charleston Naval Weapons Station South Annex, North Charleston, South Carolina.

(b) CONSIDERATION.—As consideration for the conveyance of the real property under subsection (a), the Railway shall pay to the United States an amount equal to the fair market value of the conveyed property, as determined by the Secretary.

(c) USE AND DEPOSIT OF PROCEEDS.—The Secretary may use the proceeds received from the sale of property authorized by this section to pay for the cost of any environmental restoration of the property being conveyed. Any proceeds which remain after any necessary environmental restoration has been completed shall be deposited in the special account established under section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(h)).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of such survey shall be borne by the Railway.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2818. LAND CONVEYANCE, FORT MISSOULA, MONTANA.**

(a) LAND USE DETERMINATION.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Army shall determine whether a parcel of land consisting of approximately 11 acres, and improvements thereon, located in Fort Missoula, Missoula County, Montana, is excess to the needs of the Department of the Army.

(b) CONVEYANCE AUTHORIZED.—If the Secretary determines that the property identified in subsection (a) is excess to the needs of the Department of the Army, the Secretary may convey all right, title, and interest of the United States in and to the property to the Northern Rockies Heritage Center, a nonprofit corporation incorporated in the State of Montana and held to be exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986.

(c) CONDITIONS.—The conveyance authorized in subsection (b) shall be subject to the conditions that—

(1) the property conveyed may be used only for historic, cultural, or educational purposes;

(2) the Northern Rockies Heritage Center shall enter into an agreement with the Secretary of Agriculture concerning the use of the property by the Department of Agriculture;

(3) the Northern Rockies Heritage Center shall indemnify the United States against all liability in connection with any hazardous materials, substances, or conditions that may be found on the property; and

(4) the Northern Rockies Heritage Center shall, prior to the conveyance and for the first year of operation of the Northern Rockies Heritage Center after the conveyance, establish, to the satisfaction of the Secretary of the Army, that it has the ability to main-

tain the property described in subsection (a) for the purposes described in paragraph (1).

(d) REVERSIONARY INTEREST.—If the property conveyed pursuant to subsection (b) is used for purposes other than those specified in subsection (c)(1), all right, title, and interest to and in the property shall revert to the United States at no cost to the United States, which shall have immediate right of entry on the land.

(e) DESCRIPTION.—The exact acreage and legal description of the property conveyed under subsection (b) shall be determined by surveys that the Secretary determines are satisfactory. The Northern Rockies Heritage Center shall pay the cost of any survey required by the Secretary.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may establish such additional terms and conditions in connection with the conveyance under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

(g) CONGRESSIONAL NOTIFICATION.—If the Secretary determines that the property identified in subsection (a) is not excess to the needs of the Department of the Army, the Secretary shall notify Congress in writing of the plans of the Department of the Army for maintaining and utilizing the property. Such notification shall be made not later than 60 days after the date of the enactment of this Act.

**SEC. 2819. LAND ACQUISITION, NAVY LARGE CAVITATION CHANNEL, MEMPHIS, TENNESSEE.**

(a) AUTHORITY TO ACQUIRE.—The Secretary of the Navy may acquire all right, title, and interest of any party in and to a parcel of real property, including improvements thereon, consisting of approximately 88 acres and located on President's Island, Memphis, Tennessee, the site of the Navy Large Cavitation Channel.

(b) COST OF ACQUISITION.—In acquiring the real property authorized to be acquired under subsection (a), the Secretary shall pay no more than the fair market value of the property, as determined by an appraisal satisfactory to the Secretary.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be acquired under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the acquisition under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(e) SOURCE OF FUNDS FOR ACQUISITION.—Funds for the acquisition of the real property authorized to be acquired under subsection (a) shall be available to the Secretary as provided in section 264.

**SEC. 2820. RELEASE OF REVERSIONARY INTEREST, OLD SPANISH TRAIL ARMORY, HARRIS COUNTY, TEXAS.**

(a) AUTHORITY TO RELEASE.—The Secretary of the Army may release the reversionary interest of the United States in and to approximately 6.89 acres of real property, including improvements thereon, containing the Old Spanish Trail Armory in Harris County, Texas. The United States acquired the reversionary interest by virtue of a quitclaim deed dated June 18, 1936.

(b) CONDITION.—The Secretary may effectuate the release authorized in subsection (a) only after obtaining satisfactory assurances that the State of Texas shall obtain, in exchange for the real property referred to in subsection (a), a parcel of real property that—

(1) is at least equal in value to the real property referred to in subsection (a), and

(2) beginning on the date on which the State first obtains the new parcel of real property, is subject to the same restrictions and covenants with respect to the United States as are applicable on the date of the enactment of this Act to the real property referred to in subsection (a).

(c) LEGAL DESCRIPTION OF REAL PROPERTY.—The exact acreage and legal descriptions of the real property referred to in subsection (a) shall be determined by a survey satisfactory to the Secretary.

**SEC. 2821. GRANT OF EASEMENT, WEST LOCH BRANCH, NAVAL MAGAZINE LUALUALEI, HAWAII.**

(a) IN GENERAL.—The Secretary of the Navy may grant to the City and County of Honolulu, Hawaii (in this section referred to as "Honolulu"), an easement on a parcel of real property consisting of not more than approximately 70 acres and located at West Loch Branch, Naval Magazine Lualualei, Hawaii. The purpose of the easement is to permit Honolulu to carry out drainage activities on such real property, and for other public purposes (as determined by the Secretary).

(b) CONSIDERATION.—(1) As consideration for the grant of an easement to Honolulu under subsection (a), Honolulu shall pay to the United States an amount equal to the fair market value of that easement, as determined by the Secretary.

(2) The Secretary may accept from Honolulu, in lieu of payment under paragraph (1), such improvements (including road, fencing, property security, and other improvements) to West Loch Branch, Naval Magazine Lualualei, Hawaii, as the Secretary determines to be equal in fair market value to the easement granted under subsection (a).

(c) USE OF PROCEEDS.—The Secretary shall utilize any funds paid to the United States under subsection (b)(1) for the construction of improvements referred to in subsection (b)(2).

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property subject to the easement granted under this section shall be determined by a survey that is satisfactory to the Secretary. The cost of the survey shall be borne by Honolulu.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2822. REVIEW OF PROPOSED LAND EXCHANGE, FORT SHERIDAN, ILLINOIS, AND ARLINGTON COUNTY, VIRGINIA.**

(a) REVIEW REQUIRED.—The Secretary of Defense shall review a proposed exchange of lands under the control of the Secretary of the Army, and lands under the control of the Secretary of the Navy, located at Fort Sheridan, Illinois, for a parcel of real property, consisting of approximately 7.1 acres, located in Arlington County, Virginia, and commonly known as the "Twin Bridges" parcel. The review shall include an evaluation of the use of the "Twin Bridges" parcel for the location of the National Museum of the United States Army, which is proposed to be constructed and operated on the parcel using only donated funds.

(b) REPORT.—Not later than September 24, 1993, the Secretary shall submit to Congress a report describing the results of the review required under subsection (a).

**Subtitle C—Changes to Existing Land Transaction Authority**

**SEC. 2831. MODIFICATION OF LAND CONVEYANCE, NEW LONDON, CONNECTICUT.**

(a) CONVEYANCE WITHOUT CONSIDERATION.—Subsection (a) of section 2841 of the Military Construction Authorization Act for Fiscal



Year 1992 (division B of Public Law 102-190; 105 Stat. 1557) is amended by inserting after "convey" the following: ", without consideration."

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b), by striking out paragraph (4);

(2) by striking out subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

**SEC. 2832. MODIFICATION OF TERMINATION OF LEASE AND SALE OF FACILITIES, NAVAL RESERVE CENTER, ATLANTA, GEORGIA.**

(a) CONSIDERATION.—Subsection (b) of section 2846 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2623) is amended by striking out "aggregate" and all that follows through "subsection (a)(2)" and inserting in lieu thereof "lesser of the cost of expanding the Marine Corps Reserve Center to be constructed at Dobbins Air Force Base, Georgia, in accordance with subsection (c)(1), or \$3,000,000".

(b) USE OF FUNDS.—Subsection (c) of such section is amended—

(1) by striking out paragraph (2);

(2) in paragraph (1)—

(A) by striking out "(A)";

(B) by striking out "subparagraph (B)" and inserting in lieu thereof "paragraph (2)"; and

(C) by redesignating subparagraph (B) as paragraph (2); and

(3) in paragraph (2), as so redesignated, by striking out "subparagraph (A)" and inserting in lieu thereof "paragraph (1)".

(c) LEASEBACK OF FACILITIES.—Such section is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

"(d) LEASEBACK OF FACILITIES.—The Secretary may lease from the Institute, at fair market rental value, the facilities referred to in subsection (a)(2) after the sale of such facilities referred to in that subsection. The term of such lease may not exceed 2 years."

**SEC. 2833. MODIFICATION OF LEASE AUTHORITY, NAVAL SUPPLY CENTER, OAKLAND, CALIFORNIA.**

(a) EXPANSION OF LEASE AUTHORITY.—Paragraph (1) of subsection (b) of section 2834 of the Military Construction Authorization Act for Fiscal Year 1993 (division B of Public Law 102-484; 106 Stat. 2614) is amended by striking out "not more than 195 acres of real property" and all that follows through the period and inserting in lieu thereof "those portions of the Naval Supply Center, Oakland, California, that the Secretary determines to be available for lease."

(b) CONSIDERATION.—Paragraph (2) of such subsection is amended—

(1) by striking out "and" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new subparagraph:

"(C) be for nominal consideration."

(c) CONFORMING AMENDMENTS.—Such subsection is further amended—

(1) in paragraph (2)(B), by striking out "shall";

(2) by striking out paragraphs (3), (4), and (5); and

(3) by redesignating paragraph (6) as paragraph (3).

**SEC. 2834. EXPANSION OF LAND TRANSACTION AUTHORITY INVOLVING HUNTERS POINT NAVAL SHIPYARD, SAN FRANCISCO, CALIFORNIA.**

Section 2824(a) of the Military Construction Authorization Act for Fiscal Year 1991 (division B of Public Law 101-510; 104 Stat.

1790) is amended by adding at the end the following new paragraph:

"(3) In lieu of entering into a lease under paragraph (1), the Secretary may convey the property described in such paragraph to the City (or a local reuse organization approved by the City) for such consideration and under such terms as the Secretary considers appropriate."

**Subtitle D—Land Transactions Involving Utilities**

**SEC. 2841. CONVEYANCE OF NATURAL GAS DISTRIBUTION SYSTEM, FORT BELVOIR, VIRGINIA.**

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Washington Gas Company, Virginia (in this section referred to as "Washington Gas Company"), all right, title, and interest of the United States in and to the natural gas distribution system described in paragraph (2).

(2) The natural distribution gas system referred to in paragraph (1) is the natural gas distribution system located at Fort Belvoir, Virginia, consisting of approximately 15.6 miles of natural gas distribution lines and the equipment, fixtures, structures, and other improvements owned and utilized by the Federal Government at Fort Belvoir in order to provide natural gas to and distribute natural gas at Fort Belvoir. The natural gas distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to Washington Gas Company the following easements relating to the conveyance of the natural gas distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to provide access to the natural gas distribution system for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Washington Gas Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the natural gas distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the natural gas distribution system authorized in subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the natural gas distribution system authorized by subsection (a) is subject to the following conditions:

(1) That Washington Gas Company provide natural gas to and distribute natural gas at Fort Belvoir at a rate that is no less favorable than the rate Washington Gas Company would charge a public or private consumer of natural gas similar to Fort Belvoir for the provision and distribution of natural gas.

(2) That Washington Gas Company maintain, repair, conduct safety inspections, and conduct leak test surveys required for the natural gas distribution system.

(3) That Washington Gas Company, at no cost to the Federal Government, expand and upgrade the natural gas distribution system as necessary to meet the increasing needs of Fort Belvoir for natural gas that will result from conversion, to the extent anticipated by the Secretary at the time of conveyance, of oil-burning utilities at Fort Belvoir to natural gas-burning utilities.

(4) That Washington Gas Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing natural gas to Fort Belvoir through the natural gas distribution system.

(5) That Washington Gas Company not commence any expansion of the natural gas

distribution system without approval of such expansion by the commander of Fort Belvoir.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by Washington Gas Company in accordance with subsection (d) is at least equal to the fair market value of the natural gas distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that Washington Gas Company is not complying with the conditions set forth in subsection (d), all right, title, and interest of Washington Gas Company in and to the natural gas distribution system conveyed pursuant to subsection (a), including improvements thereto and any modifications made to the system by Washington Gas Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate possession, including the right to operate the system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the equipment, fixtures, structures, and improvements to be conveyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Washington Gas Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2842. CONVEYANCE OF WATER DISTRIBUTION SYSTEM, FORT LEE, VIRGINIA.**

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the American Water Company, Virginia (in this section referred to as "American Water Company"), all right, title, and interest of the United States in and to the water distribution system described in paragraph (2).

(2) The water distribution system described in paragraph (1) is the water distribution system located at Fort Lee, Virginia, consisting of approximately 7 miles of transmission lines, 85 miles of distribution and service lines, fire hydrants, elevated storage tanks, pumping stations, and other improvements, owned and utilized by the Federal Government in order to provide water to and distribute water at Fort Lee. The water distribution system does not include any real property.

(b) RELATED EASEMENTS.—The Secretary may grant to American Water Company the following easements relating to the conveyance of the water distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and American Water Company jointly determine are necessary in order to provide for access by American Water Company to the water distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and American Water Company jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENT RELATING TO CONVEYANCE.—The Secretary may not carry out the conveyance of the water distribution system authorized by subsection (a) unless Washington Gas Company agrees to accept the system in its existing condition at the time of the conveyance.

(d) CONDITIONS.—The conveyance of the water distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That American Water Company provide water to and distribute water at Fort Lee at a rate that is no less favorable than the rate American Water Company would charge a public or private consumer of water similar to Fort Lee for the provision and distribution of water.

(2) That American Water Company maintain, repair, and conduct safety inspections of the water distribution system.

(3) That American Water Company comply with all applicable environmental laws and regulations (including any permit or license requirements) in providing and distributing water at Fort Lee through the water distribution system.

(4) That American Water Company not commence any expansion of the water distribution system without approval of such expansion by the commander of Fort Lee.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by American Water Company in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that American Water Company is not complying with the conditions specified in subsection (d), all right, title, and interest of American Water Company in and to the water distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by American Water Company after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the immediate right of possession, including the right to operate the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the water distribution system to be conveyed pursuant to subsection (a), including any easements granted with respect to such system under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by American Water Company.

(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2843. CONVEYANCE OF WASTE WATER TREATMENT FACILITY, FORT PICKETT, VIRGINIA.**

(a) AUTHORITY TO CONVEY.—The Secretary of the Army may convey to the Town of Blackstone, Virginia (in this section referred to as the "Town"), all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 11.5 acres, including a waste water treatment facility and other improvements thereon, located at Fort Pickett, Virginia.

(b) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town design and carry out such expansion or improvement of the waste water treatment facility as the Secretary and the Town jointly determine necessary in order to ensure operation of the facility in compliance with all applicable Federal and State environmental laws (including any permit or license requirements).

(2) That the Town operate the waste water treatment facility in compliance with such laws.

(3) That the Town provide disposal services, waste water treatment services, and other related services to Fort Pickett at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Fort Pickett for the provision of such services.

(4) That the Town reserve 75 percent of the operating capacity of the waste water treatment facility for use by the Army in the event that such use is necessitated by a realignment or change in the operations of Fort Pickett.

(5) That the Town accept liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) for any environmental restoration or remediation required at the facility by reason of the provision of waste water treatment services at the facility to entities other than the Army.

(c) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (b) is at least equal to the fair market value of the waste water treatment facility conveyed pursuant to subsection (a).

(d) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (b), all right, title, and interest of the Town in and to the real property (including the waste water treatment system) conveyed under subsection (a), including any improvements thereto and any modifications made to the system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the waste water treatment system.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Town.

(f) ENVIRONMENTAL COMPLIANCE.—(1) The Town shall be responsible for compliance with all applicable environmental laws and regulations, including any permit or license requirements, relating to the real property (and any facilities thereon) conveyed under subsection (a). The Town shall also be responsible for executing and constructing environmental improvements to the plant as required by applicable law.

(2) The Secretary, subject to the availability of appropriated funds for this purpose, and the Town shall share future environmental compliance costs based on a pro rata share of reserved plant capacity, as determined by the Secretary.

(3) The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the real property conveyed under this section before carrying out the conveyance.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2844. CONVEYANCE OF WATER DISTRIBUTION SYSTEM AND RESERVOIR, STEWART ARMY SUBPOST, NEW YORK.**

(a) AUTHORITY TO CONVEY.—(1) The Secretary of the Army may convey to the Town of New Windsor, New York (in this section referred to as the "Town"), all right, title, and interest of the United States in and to the property described in paragraph (2).

(2) The property referred to in paragraph (1) is the following property located at the Stewart Army Subpost, New York:

(A) A parcel of real property consisting of approximately 7 acres, including a reservoir and improvements thereon, the site of the Stewart Army Subpost water distribution system.

(B) Any equipment, fixtures, structures, or other improvements (including any water transmission lines, water distribution and service lines, fire hydrants, water pumping stations, and other improvements) not located on the parcel described in subparagraph (A) that are owned and utilized by the Federal Government in order to provide water to and distribute water at Stewart Army Subpost.

(b) RELATED EASEMENTS.—The Secretary may grant to the Town the following easements relating to the conveyance of the property authorized by subsection (a):

(1) Such easements, if any, as the Secretary and the Town jointly determine are necessary in order to provide access to the water distribution system referred to in paragraph (2) of such subsection for maintenance, safety, and other purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and the Town jointly determine are necessary in order to satisfy requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the water distribution system.

(c) REQUIREMENTS RELATING TO CONVEYANCE.—(1) The Secretary may not carry out the conveyance of the water distribution system authorized in subsection (a) unless the Town agrees to accept the system in its existing condition at the time of the conveyance.

(2) The Secretary shall complete any environmental removal or remediation required under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) with respect to the facility conveyed under this section before carrying out the conveyance.

(d) CONDITIONS.—The conveyance authorized in subsection (a) shall be subject to the following conditions:

(1) That the Town provide water to and distribute water at Stewart Army Subpost at a rate that is no less favorable than the rate the Town would charge a public or private entity similar to Stewart Army Subpost for the provision and distribution of water.

(2) That the Town operate the water distribution system in compliance with all applicable Federal and State environmental laws and regulations (including any permit and license requirements).

(3) That the Town not commence any expansion of the water distribution system without approval of such expansion by the commander of Stewart Army Subpost.

(e) FAIR MARKET VALUE.—The Secretary shall ensure that the value to the Army of the actions taken by the Town in accordance with subsection (d) is at least equal to the fair market value of the water distribution system conveyed pursuant to subsection (a).

(f) REVERSION.—If the Secretary determines at any time that the Town is not complying with the conditions specified in subsection (d), all right, title, and interest of the Town in and to the property (including the water distribution system) conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the water distribution system by the Town after such conveyance, shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right of access to and operation of the water distribution system.

(g) DESCRIPTION OF PROPERTY.—The exact legal description of the property to be con-

veyed under subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence, shall be borne by the Town.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance authorized under subsection (a) and the easements granted under subsection (b) that the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2845. CONVEYANCE OF ELECTRIC POWER DISTRIBUTION SYSTEM, NAVAL AIR STATION, ALAMEDA, CALIFORNIA.**

(a) **AUTHORITY TO CONVEY.**—(1) The Secretary of the Navy may convey to the Bureau of Electricity of the City of Alameda, California (in this section referred to as the "Bureau"), all right, title, and interest of the United States in and to the electric power distribution system described in paragraph (2). The actual conveyance of the system shall be subject to negotiation by and approval of the Secretary.

(2) The electric power distribution system referred to in paragraph (1) is the electric power distribution system located at the Naval Air Station, Alameda, California, including such utility easements and right of ways as the Secretary and the Bureau consider to be necessary or appropriate to provide for ingress to and egress from the electric power distribution system.

(b) **REQUIREMENT RELATING TO CONVEYANCE.**—The Secretary may not carry out the conveyance of the electric power distribution system authorized by subsection (a) unless the Bureau agrees to accept the system in its existing condition at the time of the conveyance.

(c) **CONDITIONS.**—The conveyance of the electric power distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That the Bureau provide electric power to the Naval Air Station at a rate that is no less favorable than the rate the Bureau would charge a public or private consumer of electricity similar to the Naval Air Station for the provision and distribution of electricity.

(2) That the Bureau comply with all applicable environmental laws and regulations, including any permit or license requirements, in providing and distributing electricity at the Naval Air Station through the electric power distribution system.

(3) That the Bureau not commence any expansion of the electric power distribution system without the approval of the expansion by the Secretary.

(4) That the Bureau assume the responsibility for ownership, operation, maintenance, repair, and safety inspections for the electric power distribution system.

(d) **FAIR MARKET VALUE.**—The Secretary shall ensure that the value to the Navy of the actions taken by the Bureau in accordance with subsection (c) is at least equal to the fair market value of the electric power distribution system conveyed pursuant to subsection (a).

(e) **REVERSION.**—If the Secretary determines at any time that the Bureau is not complying with the conditions specified in subsection (c), all right, title, and interest of the Bureau in and to the electric power distribution system conveyed pursuant to subsection (a), including any improvements or modifications to the system, shall revert to the United States and the United States shall have the right of immediate access to the system, including the right to operate the system.

(f) **DESCRIPTION OF PROPERTY.**—The exact legal description of the electric power dis-

tribution system to be conveyed pursuant to subsection (a), including any easements granted as part of the conveyance, shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by the Bureau.

(g) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement as part of the conveyance as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2846. CONVEYANCE OF ELECTRICITY DISTRIBUTION SYSTEM, FORT DIX, NEW JERSEY.**

(a) **AUTHORITY TO CONVEY.**—(1) The Secretary of the Army may convey to the Jersey Central Power and Light Company, New Jersey (in this section referred to as "Jersey Central"), all right, title, and interest of the United States in and to the electricity distribution system described in paragraph (2).

(2) The electricity distribution system referred to in paragraph (1) is the electricity distribution system located at Fort Dix, New Jersey, consisting of approximately 145.6 miles of electricity distribution lines, as well as electricity poles, transformers, electricity substations, and other electricity distribution improvements owned and utilized by the Federal Government in order to provide electricity to and distribute electricity at Fort Dix. The electricity distribution system does not include any real property.

(b) **RELATED EASEMENTS.**—The Secretary may grant to Jersey Central the following easements relating to the conveyance of the electricity distribution system authorized by subsection (a):

(1) Such easements, if any, as the Secretary and Jersey Central jointly determine are necessary in order to provide for the access by Jersey Central to the electricity distribution system for maintenance, safety, and related purposes.

(2) Such rights of way appurtenant, if any, as the Secretary and Jersey Central jointly determine are necessary in order to satisfy the requirements imposed by any Federal or State agency relating to the maintenance of a buffer zone around the electricity distribution system.

(c) **REQUIREMENT RELATING TO CONVEYANCE.**—The Secretary may not carry out the conveyance of the electricity distribution system authorized by subsection (a) unless Jersey Central agrees to accept the system in its existing condition at the time of the conveyance.

(d) **CONDITIONS.**—The conveyance of the electricity distribution system authorized in subsection (a) shall be subject to the following conditions:

(1) That Jersey Central provide electricity to and distribute electricity at Fort Dix at a rate that is no less favorable than the rate Jersey Central would charge a public or private consumer of electricity similar to Fort Dix for the provision and distribution of electricity.

(2) That Jersey Central carry out safety upgrades to permit the distribution system to carry electricity at up to 13,800 volts.

(3) That Jersey Central improve the electricity distribution system by installing additional lightning protection devices in such a manner as to permit the installation of air conditioning in family housing units.

(4) That Jersey Central maintain and repair, and conduct safety inspections and power factor surveys, of the electricity distribution system.

(5) That Jersey Central comply with all applicable environmental laws and regulations (including any permit or license require-

ments) in providing and distributing electricity at Fort Dix through the electricity distribution system.

(6) That Jersey Central not commence any expansion of the electricity distribution system without approval of such expansion by the commander of Fort Dix.

(e) **FAIR MARKET VALUE.**—The Secretary shall ensure that the value to the Army of the actions taken by Jersey Central in accordance with subsection (d) is at least equal to the fair market value of the electricity distribution system conveyed pursuant to subsection (a).

(f) **REVERSION.**—If the Secretary determines at any time that Jersey Central is not complying with the conditions specified in subsection (d), all right, title, and interest of Jersey Central in and to the electrical distribution system conveyed pursuant to subsection (a), including any improvements thereto and any modifications made to the system by Jersey Central after such conveyance, and any easements granted under subsection (b), shall revert to the United States and the United States shall have the right of immediate entry thereon, including the right to operate the electricity distribution system.

(g) **DESCRIPTION OF PROPERTY.**—The exact legal description of the electricity distribution system to be conveyed pursuant to subsection (a), and of any easements granted under subsection (b), shall be determined in a manner, including by survey, satisfactory to the Secretary. The cost of any survey or other services performed at the direction of the Secretary pursuant to the authority in the preceding sentence shall be borne by Jersey Central.

(h) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) and the grant of any easement under subsection (b) as the Secretary considers appropriate to protect the interests of the United States.

**SEC. 2847. LEASE AND JOINT USE OF CERTAIN REAL PROPERTY, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.**

(a) **LEASE AUTHORIZED.**—The Secretary of the Navy may lease to Tri-Cities Municipal Water District, a special governmental district of the State of California (in the section referred to as the "District"), such interests in real property located on, under, and within the northern portion of the Marine Corps Base, Camp Pendleton, California, as the Secretary determines to be necessary for the District to develop, operate, and maintain water extraction and distribution facilities for the mutual benefit of the District and Camp Pendleton. The lease may be for a period of up to 50 years, or such additional period as the Secretary determines to be in the interests of the United States.

(b) **CONSIDERATION.**—As consideration for the lease of real property under subsection (a), the District shall—

(1) construct, operate, and maintain such improvements as are necessary to fully develop the potential of the lower San Mateo Water Basin for sustained yield and storage of imported water for the joint benefit of the District and Camp Pendleton;

(2) assume operating and maintenance responsibilities for the existing water extraction, storage, distribution, and related infrastructure within the northern portion of Camp Pendleton; and

(3) pay to the United States, in the form of cash or additional services, an amount equal to the amount, if any, by which the fair market value of the real property interests leased under subsection (a) exceeds the fair market value of the services provided under paragraphs (1) and (2).

(c) **DETERMINATION OF FAIR MARKET VALUE.**—The Secretary shall establish a sys-

tem of accounts to establish the relative costs and benefits accruing to the District and the United States under the lease under subsection (a) and to ensure that the United States receives at least fair market value for such lease, as determined by an independent appraisal acceptable to the Secretary.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

#### Subtitle E—Other Matters

#### SEC. 2851. CONVEYANCE OF REAL PROPERTY AT MISSILE SITES TO ADJACENT LAND-OWNERS.

(a) **EXERCISE OF AUTHORITY BY ADMINISTRATOR OF GSA.**—Section 9781 of title 10, United States Code, is amended—

(1) in subsection (a)(1), by striking out “Secretary of the Air Force” and inserting in lieu thereof “Administrator of General Services”;

(2) in subsection (c), by striking out “Secretary” and inserting in lieu thereof “Administrator”;

(3) in subsection (e)—

(A) by striking out “Secretary” the first place it appears and inserting in lieu thereof “Secretary of the Air Force”; and

(B) by striking out “Secretary” the second place it appears and inserting in lieu thereof “Administrator”; and

(4) in subsection (f), by striking out “Secretary” and inserting in lieu thereof “Administrator”.

(b) **ELIGIBLE LANDS.**—Subsection (a)(2) of such section is amended by striking out subparagraph (D) and inserting in lieu thereof the following new subparagraph:

“(D) is surrounded by lands that are adjacent to such tract and that—

“(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

“(ii) are owned separately by two or more owners.”.

(c) **DISPOSITION.**—Subsection (b) of such section is amended to read as follows:

“(b)(1)(A) Whenever the interest of the United States in a tract of real property or easement referred to in subsection (a) is available for disposition under this section, the Administrator shall transmit a notice of the availability of the real property or easement to each person described in subsection (a)(2)(D)(i) who owns lands adjacent to that real property or easement.

“(B) The Administrator shall convey, for fair market value, the interest of the United States in a tract of land referred to in subsection (a), or in any easement in connection with such a tract of land, to any person or persons described in subsection (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest.

“(2)(A) In the case of a tract of real property referred to in subsection (a) that is surrounded by adjacent lands that are owned separately by two or more owners, the Administrator shall dispose of that tract of real property in accordance with this paragraph. In disposing of the real property, the Administrator shall satisfy the requirements specified in paragraph (1) regarding notice to owners, sale at fair market value, and the determination of the qualifications of the purchaser.

“(B) The Administrator shall dispose of such a tract of real property through a sealed bid competitive sale. The Administrator shall afford an opportunity to compete to acquire the interest of the United States in the real property to all of the persons described in subsection (a)(2)(D)(ii) who

own lands adjacent to that real property. The Administrator shall restrict to these persons the opportunity to compete in the sealed bid competitive sale.

“(C) Subject to subparagraph (D), the Administrator shall convey the interest of the United States in the tract of real property to the highest bidder.

“(D) If all of the bids received by the Administrator in the sealed bid competitive sale of the tract of real property are less than the fair market value of the real property, the Administrator shall dispose of the real property in accordance with the provisions of title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.).”.

#### SEC. 2852. PROHIBITION ON USE OF FUNDS FOR PLANNING AND DESIGN OF DEPARTMENT OF DEFENSE VACCINE PRODUCTION FACILITY.

(a) **PROHIBITION.**—None of the funds authorized to be appropriated for the Department of Defense for fiscal year 1994 may be obligated for architectural and engineering services or for construction design in connection with the Department of Defense vaccine production facility.

(b) **REPORT.**—Not later than February 1, 1994, the Secretary of Defense, in consultation with the Secretary of the Army, shall submit to the congressional defense committees a report containing a complete explanation of the necessity for constructing within the United States a Department of Defense facility for the production of vaccine for the Department of Defense.

#### SEC. 2853. GRANT RELATING TO ELEMENTARY SCHOOL FOR DEPENDENTS OF DEPARTMENT OF DEFENSE PERSONNEL, FORT BELVOIR, VIRGINIA.

(a) **GRANT AUTHORIZED.**—The Secretary of the Army may make a grant to the Fairfax County School Board, Virginia, in order to assist the School Board in constructing a public elementary school facility, to be owned and operated by the School Board, in the vicinity of Fort Belvoir, Virginia.

(b) **CAPACITY REQUIREMENT.**—The school facility constructed with the grant made under subsection (a) shall be sufficient (as determined by the Secretary) to accommodate the dependents of members of the Armed Forces assigned to duty at Fort Belvoir and the dependents of employees of the Department of Defense employed at Fort Belvoir.

(c) **MAXIMUM AMOUNT OF GRANT.**—The amount of the grant under this section may not exceed \$8,000,000.

(d) **REQUIREMENTS RELATING TO CONSTRUCTION OF SCHOOL.**—(1) The Fairfax County School Board shall establish the design and function specifications applicable to the elementary school facility constructed with the grant made under this section.

(2) The Fairfax County School Board shall be responsible for soliciting bids and awarding contracts for the construction of the school facility and shall undertake responsibility for the timely construction of the school facility under such contracts.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require any additional terms and conditions in connection with the grant authorized under subsection (a) that the Secretary considers appropriate to protect the interests of the United States.

#### SEC. 2854. ALLOTMENT OF SPACE IN FEDERAL BUILDINGS TO CREDIT UNIONS.

Section 124 of the Federal Credit Union Act (12 U.S.C. 1770) is amended in the first sentence—

(1) by striking out “at least 95 per centum” and all that follows through “and the members of their families.”; and

(2) by striking out “allot space to such credit union” and all that follows through the period and inserting in lieu thereof “allot space to such credit union without

charge for rent or services if at least 95 percent of the membership of the credit union to be served by the allotment of space is composed of persons who either are presently Federal employees or were Federal employees at the time of admission into the credit union, and members of their families, and if space is available.”.

#### SEC. 2855. FLOOD CONTROL PROJECT FOR COYOTE AND BERRYESSA CREEKS, CALIFORNIA.

(a) **COYOTE AND BERRYESSA CREEKS, SANTA CLARA COUNTY, CALIFORNIA.**—The Secretary of the Army is directed to construct a flood control project for Coyote and Berryessa Creeks in Santa Clara County, California, using amounts appropriated for civil works activities of the Corps of Engineers for fiscal year 1994.

(b) **MAXIMUM COST REQUIREMENT.**—Section 902 of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4183) shall not apply with respect to the project described in subsection (a).

#### SEC. 2856. RESTRICTIONS ON LAND TRANSACTIONS RELATING TO THE PRESIDIO OF SAN FRANCISCO, CALIFORNIA.

The Secretary of Defense (or the Secretary of the Army as the designee of the Secretary of Defense) may not transfer any parcel of real property (or any improvement thereon) located at the Presidio of San Francisco, California, from the jurisdiction and control of the Department of the Army to the jurisdiction and control of the Department of the Interior unless and until—

(1) the Secretary of the Army determines that the parcel proposed for transfer is excess to the needs of the Army; and

(2) the Secretary of Defense submits to the Committees on Armed Services of the Senate and House of Representatives a report describing the terms and conditions—

(A) under which transfers of real property at the Presidio will take place; and

(B) under which the Army will continue to use facilities at the Presidio after such transfers.

#### TITLE XXIX—DEFENSE BASE CLOSURE AND REALIGNMENT

##### Subtitle A—Base Closure Community Assistance

#### SEC. 2901. FINDINGS.

Congress makes the following findings:

(1) The closure and realignment of military installations within the United States is a necessary consequence of the end of the Cold War and of changed United States national security requirements.

(2) A military installation is a significant source of employment for many communities, and the closure or realignment of an installation may cause economic hardship for such communities.

(3) It is in the interest of the United States that the Federal Government facilitate the economic recovery of communities that experience adverse economic circumstances as a result of the closure or realignment of a military installation.

(4) It is in the interest of the United States that the Federal Government assist communities that experience adverse economic circumstances as a result of the closure of military installations by working with such communities to identify and implement means of reutilizing or redeveloping such installations in a beneficial manner or of otherwise revitalizing such communities and the economies of such communities.

(5) The Federal Government may best identify and implement such means by requiring that the head of each department or agency of the Federal Government having jurisdiction over a matter arising out of the closure of a military installation under a base closure law, or the reutilization and re-

development of such an installation, designate for each installation to be closed an individual in such department or agency who shall provide information and assistance to the transition coordinator for the installation designated under section 2915 on the assistance, programs, or other activities of such department or agency with respect to the closure or reutilization and redevelopment of the installation.

(6) The Federal Government may also provide such assistance by accelerating environmental restoration at military installations to be closed, and by closing such installations, in a manner that best ensures the beneficial reutilization and redevelopment of such installations by such communities.

(7) The Federal Government may best contribute to such reutilization and redevelopment by making available real and personal property at military installations to be closed to communities affected by such closures on a timely basis, and, if appropriate, at less than fair market value.

**SEC. 2902. PROHIBITION ON TRANSFER OF CERTAIN PROPERTY LOCATED AT MILITARY INSTALLATIONS TO BE CLOSED.**

(a) CLOSURES UNDER 1988 ACT.—(1) Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended—

(A) in paragraph (2)(E), by striking out “paragraphs (3) and (4)” and inserting in lieu thereof “paragraphs (3) through (6)”; and

(B) by redesignating paragraph (4) as paragraph (7); and

(C) by striking out paragraph (3) and inserting in lieu thereof the following new paragraph (3):

“(3)(A) Not later than 6 months after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, the Secretary, in consultation with the redevelopment authority with respect to each military installation to be closed under this title after such date of enactment, shall—

“(i) inventory the personal property located at the installation; and

“(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

“(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

“(i) the local government in whose jurisdiction the installation is wholly located; or

“(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

“(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities referred to in clause (ii) with respect to an installation referred to in that clause until the earlier of—

“(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

“(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

“(III) twenty-four months after the date referred to in subparagraph (A); or

“(IV) ninety days before the date of the closure of the installation.

“(ii) The activities referred to in clause (i) are activities relating to the closure of an installation to be closed under this title as follows:

“(I) The transfer from the installation of items of personal property at the installa-

tion identified in accordance with subparagraph (A).

“(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

“(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed under this title to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

“(E) This paragraph shall not apply to any related personal property located at an installation to be closed under this title if the property—

“(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

“(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

“(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

“(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

“(v)(I) meets known requirements of an authorized program of another Federal department or agency for which expenditures for similar property would be necessary, and (II) is the subject of a written request by the head of the department or agency.

“(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.”

(2) Section 204(b)(7)(A)(ii) of such Act, as redesignated by paragraph (1)(B), is amended by striking out “paragraph (3)” and inserting in lieu thereof “paragraphs (3) through (6)”.

(b) CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in paragraph (2)(A), by inserting “and paragraphs (3), (4), (5), and (6)” after “Subjunct to subparagraph (C)”; and

(2) by adding at the end the following:

“(3)(A) Not later than 6 months after the date of approval of the closure of a military installation under this part, the Secretary, in consultation with the redevelopment authority with respect to the installation, shall—

“(i) inventory the personal property located at the installation; and

“(ii) identify the items (or categories of items) of such personal property that the Secretary determines to be related to real property and anticipates will support the implementation of the redevelopment plan with respect to the installation.

“(B) If no redevelopment authority referred to in subparagraph (A) exists with respect to an installation, the Secretary shall consult with—

“(i) the local government in whose jurisdiction the installation is wholly located; or

“(ii) a local government agency or State government agency designated for the purpose of such consultation by the chief executive officer of the State in which the installation is located.

“(C)(i) Except as provided in subparagraphs (E) and (F), the Secretary may not carry out any of the activities referred to in clause (ii) with respect to an installation referred to in that clause until the earlier of—

“(I) one week after the date on which the redevelopment plan for the installation is submitted to the Secretary;

“(II) the date on which the redevelopment authority notifies the Secretary that it will not submit such a plan;

“(III) twenty-four months after the date of approval of the closure of the installation; or

“(IV) ninety days before the date of the closure of the installation.

“(ii) The activities referred to in clause (i) are activities relating to the closure of an installation to be closed under this part as follows:

“(I) The transfer from the installation of items of personal property at the installation identified in accordance with subparagraph (A).

“(II) The reduction in maintenance and repair of facilities or equipment located at the installation below the minimum levels required to support the use of such facilities or equipment for nonmilitary purposes.

“(D) Except as provided in paragraph (4), the Secretary may not transfer items of personal property located at an installation to be closed under this part to another installation, or dispose of such items, if such items are identified in the redevelopment plan for the installation as items essential to the reuse or redevelopment of the installation.

“(E) This paragraph shall not apply to any personal property located at an installation to be closed under this part if the property—

“(i) is required for the operation of a unit, function, component, weapon, or weapons system at another installation;

“(ii) is uniquely military in character, and is likely to have no civilian use (other than use for its material content or as a source of commonly used components);

“(iii) is not required for the reutilization or redevelopment of the installation (as jointly determined by the Secretary and the redevelopment authority);

“(iv) is stored at the installation for purposes of distribution (including spare parts or stock items); or

“(v)(I) meets known requirements of an authorized program of another Federal department or agency for which expenditures for similar property would be necessary, and (II) is the subject of a written request by the head of the department or agency.

“(F) Notwithstanding subparagraphs (C)(i) and (D), the Secretary may carry out any activity referred to in subparagraph (C)(ii) or (D) if the Secretary determines that the carrying out of such activity is in the national security interest of the United States.”

(c) APPLICABILITY.—For the purposes of section 2905(b)(3) of the Defense Base Closure and Realignment Act of 1990, as added by subsection (b), the date of approval of closure of any installation approved for closure before the date of the enactment of this Act shall be deemed to be the date of the enactment of this Act.

**SEC. 2903. AUTHORITY TO TRANSFER PROPERTY AT CLOSED INSTALLATIONS TO AFFECTED COMMUNITIES AND STATES.**

(a) AUTHORITY UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as amended by section 2902(a), is further amended by adding after paragraph (3), as so added, the following:

“(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed under this title to the redevelopment authority with respect to the installation.

“(B)(i) Except as provided in clause (ii), the transfer of property under subparagraph (A) may be for consideration at or below the estimated fair market value of the property transferred or without consideration. Such consideration may include consideration in

kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The Secretary shall determine the estimated fair market value of the property to be transferred under this subparagraph before carrying out such transfer.

"(I) The Secretary shall prescribe regulations that set forth guidelines for determining the amount, if any, of consideration required for a transfer under this paragraph. Such regulations shall include a requirement that, in the case of each transfer under this paragraph for consideration below the estimated fair market value of the property transferred, the Secretary provide an explanation why the transfer is not for the estimated fair market value of the property transferred (including an explanation why the transfer cannot be carried out in accordance with the authority provided to the Secretary pursuant to paragraph (I) or (2)).

"(ii) The transfer of property under subparagraph (A) shall be without consideration in the case of any installation located in a rural area whose closure under this title will have a substantial adverse impact (as determined by the Secretary) on the economy of the communities in the vicinity of the installation and on the prospect for the economic recovery of such communities from such closure. The Secretary shall prescribe in the regulations under clause (i)(II) the manner of determining whether communities are eligible for the transfer of property under this clause.

"(iii) In the case of a transfer under subparagraph (A) for consideration below the fair market value of the property transferred, the Secretary may recoup from the transferee of such property such portion as the Secretary determines appropriate of the amount, if any, by which the sale or lease of such property by such transferee exceeds the amount of consideration paid to the Secretary for such property by such transferee. The Secretary shall prescribe regulations for determining the amount of recoupment under this clause.

"(C)(i) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484) if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

"(ii) The Secretary may, in lieu of the transfer of property referred to in subparagraph (A), transfer personal property similar to such property (including property not located at the installation) if the Secretary determines that the transfer of such similar property is in the interest of the United States.

"(D) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

"(E) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as such Secretary considers appropriate to protect the interests of the United States."

(b) **AUTHORITY UNDER 1990 ACT.**—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2902(b), is further amended by adding at the end the following:

"(4)(A) The Secretary may transfer real property and personal property located at a military installation to be closed under this part to the redevelopment authority with respect to the installation.

"(B)(i)(I) Except as provided in clause (ii), the transfer of property under subparagraph

(A) may be for consideration at or below the estimated fair market value of the property transferred or without consideration. Such consideration may include consideration in kind (including goods and services), real property and improvements, or such other consideration as the Secretary considers appropriate. The Secretary shall determine the estimated fair market value of the property to be transferred under this subparagraph before carrying out such transfer.

"(ii) The Secretary shall prescribe regulations that set forth guidelines for determining the amount, if any, of consideration required for a transfer under this paragraph. Such regulations shall include a requirement that, in the case of each transfer under this paragraph for consideration below the estimated fair market value of the property transferred, the Secretary provide an explanation why the transfer is not for the estimated fair market value of the property transferred (including an explanation why the transfer cannot be carried out in accordance with the authority provided to the Secretary pursuant to paragraph (I) or (2)).

"(iii) The transfer of property under subparagraph (A) shall be without consideration in the case of any installation located in a rural area whose closure under this part will have a substantial adverse impact (as determined by the Secretary) on the economy of the communities in the vicinity of the installation and on the prospect for the economic recovery of such communities from such closure. The Secretary shall prescribe in the regulations under clause (i)(II) the manner of determining whether communities are eligible for the transfer of property under this clause.

"(iv) In the case of a transfer under subparagraph (A) for consideration below the fair market value of the property transferred, the Secretary may recoup from the transferee of such property such portion as the Secretary determines appropriate of the amount, if any, by which the sale or lease of such property by such transferee exceeds the amount of consideration paid to the Secretary for such property by such transferee. The Secretary shall prescribe regulations for determining the amount of recoupment under this clause.

"(C)(i) The transfer of personal property under subparagraph (A) shall not be subject to the provisions of sections 202 and 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483, 484) if the Secretary determines that the transfer of such property is necessary for the effective implementation of a redevelopment plan with respect to the installation at which such property is located.

"(ii) The Secretary may, in lieu of the transfer of property referred to in subparagraph (A), transfer property similar to such property (including property not located at the installation) if the Secretary determines that the transfer of such similar property is in the interest of the United States.

"(D) The provisions of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)) shall apply to any transfer of real property under this paragraph.

"(E) The Secretary may require any additional terms and conditions in connection with a transfer under this paragraph as such Secretary considers appropriate to protect the interests of the United States."

(c) **CONSIDERATION OF ECONOMIC NEEDS.**—In order to maximize the local and regional benefit from the reutilization and redevelopment of military installations that are closed, or approved for closure, pursuant to the operation of a base closure law, the Secretary of Defense shall consider locally and regionally delineated economic development needs and priorities into the process by

which the Secretary disposes of real property and personal property as part of the closure of a military installation under a base closure law. In determining such needs and priorities, the Secretary shall take into account the redevelopment plan developed for the military installation involved. The Secretary shall ensure that the needs of the homeless in the communities affected by the closure of such installations are taken into consideration in the redevelopment plan with respect to such installations.

(d) **COOPERATION.**—The Secretary of Defense shall cooperate with the State in which a military installation referred to in subsection (c) is located, with the redevelopment authority with respect to the installation, and with local governments and other interested persons in communities located near the installation in implementing the entire process of disposal of the real property and personal property at the installation.

#### **SEC. 2904. EXPEDITED DETERMINATION OF TRANSFERABILITY OF EXCESS PROPERTY OF INSTALLATIONS TO BE CLOSED.**

(a) **DETERMINATIONS UNDER 1988 ACT.**—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as amended by section 2903(a), is further amended by adding after paragraph (4), as so added, the following:

"(5)(A) Except as provided in subparagraph (B), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of a military installation to be closed under this title after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994, or will accept transfer of any portion of such installation, are made not later than 6 months after such date of enactment.

"(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure of the installation."

(b) **DETERMINATIONS UNDER 1990 ACT.**—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2903(b), is further amended by adding at the end the following:

"(5)(A) Except as provided in subparagraph (B), the Secretary shall take such actions as the Secretary determines necessary to ensure that final determinations under subsection (b)(1) regarding whether another department or agency of the Federal Government has identified a use for any portion of a military installation to be closed under this part, or will accept transfer of any portion of such installation, are made not later than 6 months after the date of approval of closure of that installation.

"(B) The Secretary may, in consultation with the redevelopment authority with respect to an installation, postpone making the final determinations referred to in subparagraph (A) with respect to the installation for such period as the Secretary determines appropriate if the Secretary determines that such postponement is in the best interests of the communities affected by the closure of the installation."

(c) **APPLICABILITY.**—The Secretary of Defense shall make the determinations required under section 2905(b)(5) of the Defense



Base Closure and Realignment Act of 1990, as added by subsection (b), in the case of installations approved for closure under such Act before the date of the enactment of this Act, not later than 6 months after the date of the enactment of this Act.

**SEC. 2905. AVAILABILITY OF PROPERTY FOR ASSISTING THE HOMELESS.**

(a) AVAILABILITY OF PROPERTY UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as amended by section 2904(a), is further amended by adding after paragraph (5), as so added, the following:

“(6)(A) Except as provided in this paragraph, nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to military installations closed under this title.

“(B)(i) Not later than the date on which the Secretary of Defense completes the determination under paragraph (5) of the transferability of any portion of an installation to be closed under this title, the Secretary shall—

“(I) complete any determinations or surveys necessary to determine whether any building or property referred to in clause (ii) is excess property, surplus property, or unutilized or underutilized property for the purpose of the information referred to in section 501(a) of such Act (42 U.S.C. 11411(a)); and

“(II) submit to the Secretary of Housing and Urban Development information on any building or property that is so determined.

“(ii) The buildings and property referred to in clause (i) are any buildings or property located at an installation referred to in that clause for which no use is identified, or of which no Federal department or agency will accept transfer, pursuant to the determination of transferability referred to in that clause.

“(C) Not later than 60 days after the date on which the Secretary of Defense submits information to the Secretary of Housing and Urban Development under subparagraph (B)(ii), the Secretary of Housing and Urban Development shall—

“(i) identify the buildings and property described in such information that are suitable for use to assist the homeless;

“(ii) notify the Secretary of Defense of the buildings and property that are so identified;

“(iii) publish in the Federal Register a list of the buildings and property that are so identified, including with respect to each building or property the information referred to in section 501(c)(1)(B) of such Act; and

“(iv) make available with respect to each building and property the information referred to in section 501(c)(1)(C) of such Act in accordance with such section 501(c)(1)(C).

“(D) Any buildings and property included in a list published under subparagraph (C)(iii) shall be treated as property available for application for use to assist the homeless under section 501(d) of such Act.

“(E) The Secretary of Defense shall make available in accordance with section 501(f) of such Act any buildings or property referred to in subparagraph (D) for which—

“(i) a written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act;

“(ii) an application for use of such buildings or property for such purpose is submitted to the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act; and

“(iii) the Secretary of Health and Human Services—

“(I) completes all actions on the application in accordance with section 501(e)(3) of such Act; and

“(II) approves the application under section 501(e) of such Act.

“(F)(i) Subject to clause (ii), a redevelopment authority may express in writing an interest in using buildings and property referred to subparagraph (D), or use such buildings and property, in accordance with the redevelopment plan with respect to the installation at which such buildings and property are located as follows:

“(I) If no written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act during the 60-day period beginning on the date of the publication of the buildings and property under subparagraph (C)(iii).

“(II) In the case of buildings and property for which such notice is so received, if no completed application for use of the buildings or property for such purpose is received by the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act during the 90-day period beginning on the date of the receipt of such notice.

“(III) In the case of building and property for which such application is so received, if the Secretary of Health and Human Services rejects the application under section 501(e) of such Act.

“(ii) Buildings and property shall be available only for the purpose of permitting a redevelopment authority to express in writing an interest in the use of such buildings and property, or to use such buildings and property, under clause (i) as follows:

“(I) In the case of buildings and property referred to in clause (i)(I), during the one-year period beginning on the first day after the 60-day period referred to in that clause.

“(II) In the case of buildings and property referred to in clause (i)(II), during the one-year period beginning on the first day after the 90-day period referred to in that clause.

“(III) In the case of buildings and property referred to in clause (i)(III), during the one-year period beginning on the date of the rejection of the application referred to in that clause.

“(iii) A redevelopment authority shall express an interest in the use of buildings and property under this subparagraph by notifying the Secretary of Defense, in writing, of such an interest.

“(G)(i) Buildings and property available for a redevelopment authority under subparagraph (F) shall not be available for use to assist the homeless under section 501 of such Act while so available for a redevelopment authority.

“(ii) If a redevelopment authority does not express an interest in the use of building or property, or commence the use of buildings or property, under subparagraph (F) within the applicable time periods specified in clause (ii) of such subparagraph, such buildings or property shall be treated as property available for use to assist the homeless under section 501(a) of such Act.”

(b) AVAILABILITY OF PROPERTY UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2904(b), is further amended by adding at the end the following:

“(6)(A) Except as provided in this paragraph, nothing in this section shall limit or otherwise affect the application of the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) to military installations closed under this part.

“(B)(i) Not later than the date on which the Secretary of Defense completes the determination under paragraph (5) of the trans-

ferability of any portion of an installation to be closed under this part, the Secretary shall—

“(I) complete any determinations or surveys necessary to determine whether any building or property referred to in clause (ii) is excess property, surplus property, or unutilized or underutilized property for the purpose of the information referred to in section 501(a) of such Act (42 U.S.C. 11411(a)); and

“(II) submit to the Secretary of Housing and Urban Development information on any building or property that is so determined.

“(ii) The buildings and property referred to in clause (i) are any buildings or property located at an installation referred to in that clause for which no use is identified, or of which no Federal department or agency will accept transfer, pursuant to the determination of transferability referred to in that clause.

“(C) Not later than 60 days after the date on which the Secretary of Defense submits information to the Secretary of Housing and Urban Development under subparagraph (B)(ii), the Secretary of Housing and Urban Development shall—

“(i) identify the buildings and property described in such information that are suitable for use to assist the homeless;

“(ii) notify the Secretary of Defense of the buildings and property that are so identified;

“(iii) publish in the Federal Register a list of the buildings and property that are so identified, including with respect to each building or property the information referred to in section 501(c)(1)(B) of such Act; and

“(iv) make available with respect to each building and property the information referred to in section 501(c)(1)(C) of such Act in accordance with such section 501(c)(1)(C).

“(D) Any buildings and property included in a list published under subparagraph (C)(iii) shall be treated as property available for application for use to assist the homeless under section 501(d) of such Act.

“(E) The Secretary of Defense shall make available in accordance with section 501(f) of such Act any buildings or property referred to in subparagraph (D) for which—

“(i) a written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act;

“(ii) an application for use of such buildings or property for such purpose is submitted to the Secretary of Health and Human Services in accordance with section 501(e)(2) of such Act; and

“(iii) the Secretary of Health and Human Services—

“(I) completes all actions on the application in accordance with section 501(e)(3) of such Act; and

“(II) approves the application under section 501(e) of such Act.

“(F)(i) Subject to clause (ii), a redevelopment authority may express in writing an interest in using buildings and property referred to subparagraph (D), or use such buildings and property, in accordance with the redevelopment plan with respect to the installation at which such buildings and property are located as follows:

“(I) If no written notice of an intent to use such buildings or property to assist the homeless is received by the Secretary of Health and Human Services in accordance with section 501(d)(2) of such Act during the 60-day period beginning on the date of the publication of the buildings and property under subparagraph (C)(iii).

“(II) In the case of buildings and property for which such notice is so received, if no completed application for use of the buildings or property for such purpose is received by the Secretary of Health and Human Serv-



ices in accordance with section 501(e)(2) of such Act during the 90-day period beginning on the date of the receipt of such notice.

"(III) In the case of building and property for which such application is so received, if the Secretary of Health and Human Services rejects the application under section 501(e) of such Act.

"(ii) Buildings and property shall be available only for the purpose of permitting a redevelopment authority to express in writing an interest in the use of such buildings and property, or to use such buildings and property, under clause (i) as follows:

"(I) In the case of buildings and property referred to in clause (i)(I), during the one-year period beginning on the first day after the 60-day period referred to in that clause.

"(II) In the case of buildings and property referred to in clause (i)(II), during the one-year period beginning on the first day after the 90-day period referred to in that clause.

"(III) In the case of buildings and property referred to in clause (i)(III), during the one-year period beginning on the date of the rejection of the application referred to in that clause.

"(iii) A redevelopment authority shall express an interest in the use of buildings and property under this subparagraph by notifying the Secretary of Defense, in writing, of such an interest.

"(C)(i) Buildings and property available for a redevelopment authority under subparagraph (F) shall not be available for use to assist the homeless under section 501 of such Act while so available for a redevelopment authority.

"(ii) If a redevelopment authority does not express an interest in the use of building or property, or commence the use of buildings or property, under subparagraph (F) within the applicable time periods specified in clause (ii) of such subparagraph, such buildings or property shall be treated as property available for use to assist the homeless under section 501(a) of such Act."

**SEC. 2906. AUTHORITY TO LEASE CERTAIN PROPERTY AT INSTALLATIONS TO BE CLOSED.**

(a) LEASE AUTHORITY.—Subsection (f) of section 2667 of title 10, United States Code, is amended to read as follows:

"(f)(1) Notwithstanding subsection (a)(3), pending the final disposition of real property and personal property located at a military installation to be closed or realigned under a base closure law, the Secretary of the military department concerned may lease the property to any individual or entity under this subsection if the Secretary determines that such a lease would facilitate State or local economic adjustment efforts.

"(2) Notwithstanding subsection (b)(4), the Secretary concerned may accept consideration in an amount that is less than the fair market value of the lease interest if the Secretary concerned determines that—

"(A) a public interest will be served as a result of the lease; and

"(B) the fair market value of the lease is (i) unobtainable, or (ii) not compatible with such public benefit.

"(3) Before entering into any lease under this subsection, the Secretary shall consult with the Administrator of the Environmental Protection Agency in order to determine whether the environmental condition of the property proposed for leasing is such that the lease of the property is advisable. The Secretary and the Administrator shall enter into a memorandum of understanding setting forth procedures for carrying out the determinations under this paragraph."

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(g) In this section, the term 'base closure law' means each of the following:

"(1) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(2) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(3) Section 2687 of this title."

**SEC. 2907. AUTHORITY TO CONTRACT FOR CERTAIN SERVICES AT INSTALLATIONS BEING CLOSED.**

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204(b) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as amended by section 2902(a)(1)(B), is further amended by adding at the end the following:

"(8)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this title if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government."

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905(b) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as amended by section 2905(b) of this Act, is further amended by adding at the end the following:

"(7)(A) Subject to subparagraph (C), the Secretary may contract with local governments for the provision of police services, fire protection services, airfield operation services, or other community services by such governments at military installations to be closed under this part if the Secretary determines that the provision of such services under such contracts is in the best interests of the Department of Defense.

"(B) The Secretary may exercise the authority provided under this paragraph without regard to the provisions of chapter 146 of title 10, United States Code.

"(C) The Secretary may not exercise the authority under subparagraph (A) with respect to an installation earlier than 180 days before the date on which the installation is to be closed.

"(D) The Secretary shall include in a contract for services entered into with a local government under this paragraph a clause that requires the use of professionals to furnish the services to the extent that professionals are available in the area under the jurisdiction of such government."

**SEC. 2908. AUTHORITY TO TRANSFER PROPERTY AT MILITARY INSTALLATIONS TO BE CLOSED TO PERSONS PAYING THE COST OF ENVIRONMENTAL RESTORATION ACTIVITIES ON THE PROPERTY.**

(a) BASE CLOSURES UNDER 1988 ACT.—Section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(d) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and covenants.

"(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed under this title that are available exclusively for the use, or expression of an interest in a use, of a redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection.

"(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

"(4) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330.

"(6) The Secretary may not enter into an agreement to transfer property or facilities under this subsection after the expiration of the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994."

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new subsection:

"(e) TRANSFER AUTHORITY IN CONNECTION WITH PAYMENT OF ENVIRONMENTAL REMEDIATION COSTS.—(1)(A) Subject to paragraph (2) of this subsection and section 120(h) of the Comprehensive Environmental Response,

Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), the Secretary may enter into an agreement to transfer by deed real property or facilities referred to in subparagraph (B) with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences.

"(B) The real property and facilities referred to in subparagraph (A) are the real property and facilities located at an installation closed or to be closed under this part that are available exclusively for the use, or expression of an interest in a use, or a redevelopment authority under subsection (b)(6)(F) during the period provided for that use, or expression of interest in use, under that subsection.

"(C) The Secretary may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the Secretary considers appropriate to protect the interests of the United States.

"(2) A transfer of real property or facilities may be made under paragraph (1) only if the Secretary certifies to Congress that—

"(A) the costs of all environmental restoration, waste management, and environmental compliance activities to be paid by the recipient of the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

"(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

"(3) As part of an agreement under paragraph (1), the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Secretary regarding the environmental restoration, waste management, and environmental compliance activities described in paragraph (1) that relate to the property or facilities. The Secretary shall provide such information before entering into the agreement.

"(4) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

"(5) Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note) shall not apply to any transfer under this subsection to persons or entities described in subsection (a)(2) of such section 330.

"(6) The Secretary may not enter into an agreement to transfer property or facilities under this subsection after the expiration of the five-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994."

(c) REGULATIONS.—Not later than nine months after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Environmental Protection Agency, shall prescribe any regulations necessary to carry out subsection (d) of section 204 of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as added by subsection (a), and subsection (e) of section 2905 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as added by subsection (b).

#### SEC. 2909. SENSE OF CONGRESS ON AVAILABILITY OF SURPLUS MILITARY EQUIPMENT.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense take all actions that the Secretary determines practicable to make available the military equipment referred to in subsection (b) to communities suffering significant adverse economic circumstances as a result of the closure of military installations.

(b) COVERED EQUIPMENT.—The equipment referred to in subsection (a) is surplus military equipment that—

(1) is scheduled for retirement or disposal as a result of reductions in the size of the Armed Forces or the closure or realignment of a military installation under a base closure law;

(2) is important (as determined by the Secretary) to the economic development efforts of the communities referred to in subsection (a); and

(3) has no other military uses (as so determined).

#### SEC. 2910. IDENTIFICATION OF UNCONTAMINATED PROPERTY AT INSTALLATIONS TO BE CLOSED.

The identification by the Secretary of Defense required under section 120(h)(4)(A) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)(4)(A)), and the concurrence required under section 120(h)(4)(B) of such Act, shall be made not later than the earlier of—

(1) the date that is 9 months after the date of the submittal, if any, to the transition coordinator for the installation concerned of a specific use proposed for all or a portion of the real property of the installation; or

(2) the date specified in section 120(h)(4)(C)(iii) of such Act.

#### SEC. 2911. COMPLIANCE WITH CERTAIN ENVIRONMENTAL REQUIREMENTS RELATING TO CLOSURE OF INSTALLATIONS.

Not later than 12 months after the date of the submittal to the Secretary of Defense of a redevelopment plan for an installation approved for closure under a base closure law, the Secretary of Defense shall, to the extent practicable, complete any environmental impact analyses required with respect to the installation, and with respect to the redevelopment plan, if any, for the installation, pursuant to the base closure law under which the installation is closed, and pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

#### SEC. 2912. PREFERENCE FOR LOCAL AND SMALL BUSINESSES.

(a) PREFERENCE REQUIRED.—In entering into contracts with private entities as part of the closure or realignment of a military installation under a base closure law, the Secretary of Defense shall give preference, to the greatest extent practicable, to qualified businesses located in the vicinity of the installation and to small business concerns and small disadvantaged business concerns. Contracts for which this preference shall be given shall include contracts to carry out activities for the environmental restoration and mitigation at military installations to be closed or realigned.

(b) DEFINITIONS.—In this section:

(1) The term "small business concern" means a business concern meeting the requirements of section 3 of the Small Business Act (15 U.S.C. 632).

(2) The term "small disadvantaged business concern" means the business concerns referred to in section 637(d)(1) of such Act (15 U.S.C. 637(d)(1)).

(3) The term "base closure law" includes section 2687 of title 10, United States Code.

#### SEC. 2913. CONSIDERATION OF APPLICATIONS OF AFFECTED STATES AND COMMUNITIES FOR ASSISTANCE.

Section 2391(b) of title 10, United States Code, is amended by adding at the end the following:

"(6) To the extent practicable, the Secretary of Defense shall inform a State or local government applying for assistance under this subsection of the approval or rejection by the Secretary of the application for such assistance as follows:

"(A) Before the end of the 7-day period beginning on the date on which the Secretary receives the application, in the case of an application for a planning grant.

"(B) Before the end of the 30-day period beginning on such date, in the case of an application for assistance to carry out a community adjustments and economic diversifications program.

"(7)(A) In attempting to complete consideration of applications within the time period specified in paragraph (6), the Secretary of Defense shall give priority to those applications requesting assistance for a community described in subsection (f)(1).

"(B) If an application under paragraph (6) is rejected by the Secretary, the Secretary shall promptly inform the State or local government of the reasons for the rejection of the application."

#### SEC. 2914. CLARIFICATION OF UTILIZATION OF FUNDS FOR COMMUNITY ECONOMIC ADJUSTMENT ASSISTANCE.

(a) UTILIZATION OF FUNDS.—Subject to subsection (b), funds made available to the Economic Development Administration for economic adjustment assistance under section 4305 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2700) may be utilized by the administration for administrative activities in support of the provision of such assistance.

(b) LIMITATION.—Not more than three percent of the funds referred to in subsection (a) may be utilized by the administration for the administrative activities referred to in such subsection.

#### SEC. 2915. TRANSITION COORDINATORS FOR ASSISTANCE TO COMMUNITIES AFFECTED BY THE CLOSURE OF INSTALLATIONS.

(a) IN GENERAL.—The Secretary of Defense shall designate a transition coordinator for each military installation to be closed under a base closure law. The transition coordinator shall carry out the activities for such coordinator set forth in subsection (c).

(b) TIMING OF DESIGNATION.—A transition coordinator shall be designated for an installation under subsection (a) as follows:

(1) Not later than 15 days after the date of approval of closure of the installation.

(2) In the case of installations approved for closure under a base closure law before the date of the enactment of this Act, not later than 15 days after such date of enactment.

(c) RESPONSIBILITIES.—A transition coordinator designated with respect to an installation shall—

(1) encourage, after consultation with officials of Federal and State departments and agencies concerned, the development of strategies for the expeditious environmental cleanup and restoration of the installation by the Department of Defense;

(2) assist the Secretary of the military department concerned in designating real property at the installation that has the potential for rapid and beneficial reuse or redevelopment in accordance with the redevelopment plan for the installation;

(3) assist such Secretary in identifying strategies for accelerating completion of environmental cleanup and restoration of the real property designated under paragraph (2);

(4) assist such Secretary in developing plans for the closure of the installation that

take into account the goals set forth in the redevelopment plan for the installation;

(5) assist such Secretary in developing plans for ensuring that, to the maximum extent practicable, the Department of Defense carries out any activities at the installation after the closure of the installation in a manner that takes into account, and supports, the redevelopment plan for the installation;

(6) assist the Secretary of Defense in making determinations with respect to the transferability of property at the installation under section 204(b)(5) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note), as added by section 2904(a) of this Act, and under section 2905(b)(5) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), as added by section 2904(b) of this Act, as the case may be;

(7) assist the local redevelopment authority with respect to the installation in identifying real property or personal property at the installation that may have significant potential for reuse or redevelopment in accordance with the redevelopment plan for the installation;

(8) assist the Office of Economic Adjustment of the Department of Defense and other departments and agencies of the Federal Government in coordinating the provision of assistance under transition assistance and transition mitigation programs with community redevelopment activities with respect to the installation;

(9) assist the Secretary of the military department concerned in identifying property located at the installation that may be leased in a manner consistent with the redevelopment plan for the installation; and

(10) assist the Secretary of Defense in identifying real property or personal property the installation that may be utilized to meet the needs of the homeless by consulting with the Secretary of Housing and Urban Development and the local lead agency of the homeless, if any, referred to in section 210(b) of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11320(b)) for the State in which the installation is located.

**SEC. 2916. SENSE OF CONGRESS ON SEMINARS ON REUSE OR REDEVELOPMENT OF PROPERTY AT INSTALLATIONS TO BE CLOSED.**

It is the sense of Congress that the Secretary of Defense conduct seminars for each community in which is located military a installation to be closed under a base closure law. Any such seminar shall—

(1) be conducted within 6 months after the date of approval of closure of the installation concerned;

(2) address the various Federal programs for the reuse and redevelopment of installation; and

(3) provide information about employment assistance (including employment assistance under Federal programs) available to members of such communities.

**SEC. 2917. FEASIBILITY STUDY ON ASSISTING LOCAL COMMUNITIES AFFECTED BY THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.**

(a) STUDY.—The Secretary of Defense shall conduct a study to determine the feasibility of assisting local communities recovering from the adverse economic impact of the closure or major realignment of a military installation under a base closure law by reserving for grants to the communities under section 2391(b) of title 10, United States Code, an amount equal to not less than 10 percent of the total projected savings to be realized by the Department of Defense in the first 10 years after the closure or major realignment

of the installation as a result of the closure or realignment.

(b) REPORT.—Not later than March 1, 1994, the Secretary shall submit to Congress a report containing the results of the study required by this subsection. The report shall include—

(1) an estimate of the amount of the projected savings described in subsection (a) to be realized by the Department of Defense as a result of each base closure or major realignment approved before the date of the enactment of this Act; and

(2) a recommendation regarding the funding sources within the budget for the Department of Defense from which amounts for the grants described in subsection (a) could be derived.

**SEC. 2918. DEFINITIONS.**

(a) SUBTITLE A OF TITLE XXIX.—In this subtitle:

(1) The term “base closure law” means the following:

(A) The provisions of title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term “date of approval”, with respect to a closure or realignment of an installation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under the applicable base closure law expires.

(3) The term “redevelopment authority”, in the case of an installation to be closed under a base closure law, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

(4) The term “redevelopment plan”, in the case of an installation to be closed under a base closure law, means a plan that—

(A) is agreed to by the redevelopment authority with respect to the installation; and

(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure of the installation.

(b) BASE CLOSURE ACT 1988.—Section 209 of Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following:

“(10) The term ‘redevelopment authority’, in the case of an installation to be closed under this title, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

“(11) The term ‘redevelopment plan’ in the case of an installation to be closed under this title, means a plan that—

“(A) is agreed to by the redevelopment authority with respect to the installation; and

“(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse or redevelopment as a result of the closure of the installation.”.

(c) BASE CLOSURE ACT 1990.—Section 2910 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

“(8) The term ‘date of approval’, with respect to a closure or realignment of an in-

stallation, means the date on which the authority of Congress to disapprove a recommendation of closure or realignment, as the case may be, of such installation under this part expires.

“(9) The term ‘redevelopment authority’, in the case of an installation to be closed under this part, means any entity (including an entity established by a State or local government) recognized by the Secretary of Defense as the entity responsible for developing the redevelopment plan with respect to the installation and for directing the implementation of such plan.

“(10) The term ‘redevelopment plan’ in the case of an installation to be closed under this part, means a plan that—

“(A) is agreed to by the local redevelopment authority with respect to the installation; and

“(B) provides for the reuse or redevelopment of the real property and personal property of the installation that is available for such reuse and redevelopment as a result of the closure of the installation.”.

**Subtitle B—Other Matters**

**SEC. 2921. BASE CLOSURE ACCOUNT MANAGEMENT FLEXIBILITY.**

(a) BASE CLOSURES UNDER 1988 ACT.—Section 207(a) of the Defense Authorization Amendments and Base Closure and Realignment Act (title II of Public Law 100-526; 10 U.S.C. 2687 note) is amended by adding at the end the following new paragraph:

“(7) Proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under this title shall be deposited directly into the Department of Defense Base Closure Account 1990 established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).”.

(b) BASE CLOSURES UNDER 1990 ACT.—Section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) in subsection (a)(2)—

(A) by striking out “and” at the end of subparagraph (B);

(B) by striking out the period at the end of subparagraph (C) and inserting in lieu thereof “; and”; and

(C) by adding at the end the following new subparagraph:

“(D) proceeds received after September 30, 1995, from the transfer or disposal of any property at a military installation closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).”; and

(2) in subsection (b), by striking out paragraph (1) and inserting in lieu thereof the following new paragraph:

“(1) The Secretary may use the funds in the Account only for the purposes described in section 2905 or, after September 30, 1995, for environmental restoration and property management and disposal at installations closed or realigned under title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).”.

(c) TECHNICAL CORRECTION.—Paragraphs (2) and (3) of section 2906(c) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) are each amended by striking out “after the termination of the Commission” and inserting in lieu thereof “after the termination of the authority of the Secretary to carry out a closure or realignment under this part”.

**SEC. 2922. LIMITATION ON EXPENDITURE OF FUNDS FROM THE DEFENSE BASE CLOSURE ACCOUNT 1990 FOR MILITARY CONSTRUCTION IN SUPPORT OF TRANSFERS OF FUNCTIONS.**

(a) **LIMITATION.**—If the Secretary of Defense recommends to the Defense Base Closure and Realignment Commission pursuant to section 2903(c) of the 1990 base closure Act that an installation be closed or realigned, the Secretary identifies in documents submitted to the Commission one or more installations to which a function performed at the recommended installation would be transferred, and the recommended installation is closed or realigned pursuant to such Act, then, except as provided in subsection (b), funds in the Defense Base Closure Account 1990 may not be used for military construction in support of the transfer of that function to any installation other than an installation so identified in such documents.

(b) **EXCEPTION.**—The limitation in subsection (a) ceases to be applicable to military construction in support of the transfer of a function to an installation on the 60th day following the date on which the Secretary submits to the Committees on Armed Services of the Senate and House of Representatives a notification of the proposed transfer that—

(1) identifies the installation to which the function is to be transferred; and

(2) includes the justification for the transfer to such installation.

(c) **DEFINITIONS.**—In this section:

(1) The term “1990 base closure Act” means the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

(2) The term “Defense Base Closure Account 1990” means the account established under section 2906 of the 1990 base closure Act.

**SEC. 2923. MODIFICATION OF REQUIREMENT FOR REPORTS ON ACTIVITIES UNDER THE DEFENSE BASE CLOSURE ACCOUNT 1990.**

Section 2906(c)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended—

(1) by inserting “(A)” after “(1)”; and

(2) by adding at the end the following:

“(B) The report for a fiscal year shall include the following:

“(i) The obligations and expenditures from the Account during the fiscal year, identified by subaccount, for each military department and Defense Agency.

“(ii) The fiscal year in which appropriations for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

“(iii) Each military construction project for which such obligations and expenditures were made, identified by installation and project title.

“(iv) A description and explanation of the extent, if any, to which expenditures for military construction projects for the fiscal year differed from proposals for projects and funding levels that were included in the justification transmitted to Congress under section 2907(1), or otherwise, for the funding proposals for the Account for such fiscal year, including an explanation of—

“(I) any failure to carry out military construction projects that were so proposed; and

“(II) any expenditures for military construction projects that were not so proposed.”.

**SEC. 2924. RESIDUAL VALUE OF OVERSEAS INSTALLATIONS BEING CLOSED.**

(a) **ANNUAL REPORTS.**—Section 1304(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 113 note) is amended—

(1) in paragraph (1), by inserting “by installation” after “basing plan”;

(2) by striking out paragraph (3) and inserting in lieu thereof the following:

“(3) both—

“(A) the status of negotiations, if any, between the United States and the host government as to (i) United States claims for compensation for the fair market value of the improvements made by the United States at each installation referred to in paragraph (2), and (ii) any claims of the host government for damages or restoration of the installation; and

“(B) the representative of the United States in any such negotiations;”;

(3) by redesignating paragraph (6) as paragraph (7); and

(4) by striking out paragraph (5) and inserting in lieu thereof the following new paragraphs (5) and (6):

“(5) the cost to the United States of any improvements made at each installation referred to in paragraph (2) and the fair market value of such improvements, expressed in constant dollars based on the date of completion of the improvements;

“(6) in each case in which negotiations between the United States and a host government have resulted in an agreement for the payment to the United States by the host government of the value of improvements to an installation made by the United States, the amount of such payment, the form of such payment, and the expected date of such payment; and”.

(b) **OMB REVIEW OF PROPOSED SETTLEMENTS.**—Section 2921 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following:

“(g) **OMB REVIEW OF PROPOSED SETTLEMENTS.**—The Secretary of Defense may not enter into an agreement of settlement with a host country regarding the release to the host country of improvements made by the United States to facilities at an installation located in the host country until 30 days after the date on which the Secretary submits the proposed settlement to the Director of the Office of Management and Budget. The Director shall evaluate the overall equity of the proposed settlement. In evaluating the proposed settlement, the Director shall consider such factors as the extent of the United States capital investment in the improvements being released to the host country, the depreciation of the improvements, the condition of the improvements, and any applicable requirements for environmental remediation or restoration at the installation.”.

**SEC. 2925. SENSE OF CONGRESS ON DEVELOPMENT OF BASE CLOSURE CRITERIA.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Secretary of Defense consider, in developing in accordance with section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 (Public Law 101-510; 10 U.S.C. 2687 note) amended criteria, whether such criteria should include the direct costs of such closures and realignments to other Federal departments and agencies.

(b) **REPORT ON AMENDMENT.**—(1) The Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on any amended criteria developed by the Secretary under section 2903(b)(2)(B) of the Defense Base Closure and Realignment Act of 1990 after the date of the enactment of this Act. Such report shall include a discussion of the amended criteria and include a justification for any decision not to propose a criterion regarding the direct costs of base closures and realignments to other Federal agencies and departments.

(2) The Secretary shall submit the report upon publication of the amended criteria in accordance with section 2903(b)(2)(B) of the

Defense Base Closure and Realignment Act of 1990.

**SEC. 2926. INFORMATION RELATING TO RECOMMENDATIONS FOR THE CLOSURE OR REALIGNMENT OF MILITARY INSTALLATIONS.**

(a) **SUBMITTAL OF REPORT TO COMMISSION.**—Subsection (c)(1) of section 2903 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by striking out “March 15, 1995,” and inserting in lieu thereof “March 1, 1995.”.

(b) **SUMMARY OF SELECTION PROCESS AND JUSTIFICATION OF RECOMMENDATIONS.**—Subsection (c)(2) of such section is amended by adding at the end the following: “The Secretary shall transmit the matters referred to in the preceding sentence not later than 7 days after the date of the transmittal to the congressional defense committees and the Commission of the list referred to in paragraph (1).”.

(c) **SUBMITTAL OF INFORMATION TO CONGRESS.**—Subsection (c)(6) of such section is amended to read as follows:

“(6) Any information provided to the Commission by a person described in paragraph (5)(B) shall also be submitted to the Senate and the House or Representatives to be made available to the Members of the House concerned in accordance with the rules of that House. The information shall be submitted to the Senate and House of Representatives within 24 hours after the submission of the information to the Commission.”.

(d) **PUBLICATION OF INFORMATION ON CHANGES RECOMMENDED BY COMMISSION.**—Subsection (d)(1)(2)(C)(iii) of such section is amended by striking out “30 days” and inserting in lieu thereof “45 days”.

**SEC. 2927. PUBLIC PURPOSE EXTENSIONS.**

Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended—

(1) in subsection (o) in the first sentence by inserting “or (q)” after “subsection (p)”; and

(2) by adding at the end the following:

“(q)(1) Under such regulations as the Administrator, after consultation with the Secretary of Defense, may prescribe, the Administrator, or the Secretary of Defense, in the case of property located at a military installation closed or realigned pursuant to a base closure law, may, in his or her discretion, assign to the Secretary of Transportation for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary of Transportation as being needed for the development or operation of a port facility.”.

“(2) Subject to the disapproval of the Administrator or the Secretary of Defense within 30 days after notice by the Secretary of Transportation of a proposed conveyance of property for any of the purposes described in paragraph (1), the Secretary of Transportation, through such officers or employees of the Department of Transportation as he or she may designate, may convey, at no consideration to the United States, such surplus real property, including buildings, fixtures, and equipment situated thereon, for use in the development or operation of a port facility to any State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands, or any political subdivision, municipality, or instrumentality thereof.

“(3) No transfer of property may be made under this subsection until the Secretary of Transportation has—

“(A) determined, after consultation with the Secretary of Labor, that the property to be conveyed is located in an area of serious economic disruption;

"(B) received and, after consultation with the Secretary of Commerce, approved an economic development plan submitted by an eligible grantee and based on assured use of the property to be conveyed as part of a necessary economic development program; and

"(C) transmitted to Congress an explanatory statement that contains information substantially similar to the information contained in statements prepared under subsection (e)(6).

"(4) The instrument of conveyance of any surplus real property and related personal property disposed of under this subsection shall—

"(A) provide that all such property shall be used and maintained in perpetuity for the purpose for which it was conveyed, and that if the property ceases to be used or maintained for that purpose, all or any portion of the property shall, in its then existing condition, at the option of the United States, revert to the United States; and

"(B) contain such additional terms, reservations, restrictions, and conditions as the Secretary of Transportation shall by regulation require to assure use of the property for the purposes for which it was conveyed and to safeguard the interests of the United States.

"(5) With respect to surplus real property and related personal property conveyed pursuant to this subsection, the Secretary of Transportation shall—

"(A) determine and enforce compliance with the terms, conditions, reservations, and restrictions contained in any instrument by which such conveyance was made;

"(B) reform, correct, or amend any such instrument by the execution of a corrective, reformative, or amendatory instrument if necessary to correct such instrument or to conform such conveyance to the requirements of applicable law; and

"(C)(i) grant releases from any of the terms, conditions, reservations, and restrictions contained in, and (ii) convey, quitclaim, or release to the grantee any right or interest reserved to the United States by, any instrument by which such conveyance was made, if the Secretary of Transportation determines that the property so conveyed no longer serves the purpose for which it was conveyed, or that such release, conveyance, or quitclaim deed will not prevent accomplishment of the purpose for which such property was so conveyed, except that any such release, conveyance, or quitclaim deed may be granted on, or made subject to, such terms and conditions as the Secretary of Transportation considers necessary to protect or advance the interests of the United States.

"(6) In this section, the term 'base closure law' means the following:

"(A) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).

"(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).

"(C) Section 2687 of title 10, United States Code."

**SEC. 2928. EXPANSION OF CONVEYANCE AUTHORITY REGARDING FINANCIAL FACILITIES ON CLOSED MILITARY INSTALLATIONS TO INCLUDE ALL DEPOSITORY INSTITUTIONS.**

(a) INCLUSION OF OTHER DEPOSITORY INSTITUTIONS WITH CREDIT UNIONS.—Section 2825 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 10 U.S.C. 2687 note) is amended—

(1) by striking "credit union" each place it appears and inserting in lieu thereof "depository institution";

(2) in subsection (c), by striking "business"; and

(3) by adding at the end the following new subsection:

"(e) DEPOSITORY INSTITUTION DEFINED.—For purposes of this section, the term 'depository institution' has the meaning given that term in section 19(b)(1)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(1)(A))."

(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

**"SEC. 2825. DISPOSITION OF FACILITIES OF DEPOSITORY INSTITUTIONS ON MILITARY INSTALLATIONS TO BE CLOSED."**

(2) The table of contents in section 2(b) of such Act is amended by striking out the item relating to section 2825 and inserting in lieu thereof the following:

"2825. Disposition of facilities of depository institutions on military installations to be closed."

(c) AMENDMENT FOR STYLISTIC CONSISTENCY.—Subsection (c) of such section 2825 is amended by striking out "plan for the reuse of the installation developed in coordination with the community in which the facility is located" and inserting in lieu thereof "redevelopment plan with respect to the installation".

**SEC. 2929. ELECTRIC POWER ALLOCATION AND ECONOMIC DEVELOPMENT AT CERTAIN MILITARY INSTALLATIONS TO BE CLOSED IN THE STATE OF CALIFORNIA.**

For a 10-year period beginning on the date of the enactment of this Act, the electric power allocations provided as of that date by the Western Area Power Administration from the Central Valley Project to military installations in the State of California approved for closure pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) shall be reserved for sale through long-term contracts to preference entities that agree to use such power to promote economic development at a military installation that is closed or selected for closure pursuant to that Act. To the extent power reserved by this section is not disposed of pursuant to this section, it shall be made available on a temporary basis during such period to military installations in the State of California through short-term contracts. Within one year of the date of the enactment of this Act, the Secretary of Energy shall, in consultation with the Secretary of Defense, submit to Congress a report with recommendations regarding the disposition of electric power allocations provided by the Federal Power Marketing Administrations to other military installations closed or approved for closure. The report shall consider the option of using such power to promote economic development at closed military installations.

**SEC. 2930. TESTIMONY BEFORE DEFENSE BASE CLOSURE AND REALIGNMENT COMMISSION.**

(a) OATHS REQUIRED.—Section 2903(d)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) is amended by adding at the end the following new sentence: "All testimony before the Commission at a public hearing conducted under this paragraph shall be presented under oath."

(b) APPLICATION OF AMENDMENT.—The amendment made by this section shall apply with respect to all public hearings conducted by the Defense Base Closure and Realignment Commission after the date of the enactment of this Act.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs Authorizations**

**SEC. 3101. WEAPONS ACTIVITIES.**

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out weapons activities necessary for national security programs in the amount of \$3,642,297,000, to be allocated as follows:

(1) For research and development, \$1,129,325,000.

(2) For testing, \$217,326,000.

(3) For stockpile support, \$1,792,280,000.

(4) For program direction, \$177,466,000.

(5) For complex reconfiguration, \$168,500,000.

(6) For stockpile stewardship, \$157,400,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out weapons activities necessary for national security programs as follows:

Project GPD-101, general plant projects, various locations, \$16,500,000.

Project GPD-121, general plant projects, various locations, \$7,700,000.

Project 94-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase V, various locations, \$4,000,000.

Project 94-D-124, hydrogen fluoride supply system, Oak Ridge Y-12 Plant, Oak Ridge, Tennessee, \$5,000,000.

Project 94-D-125, upgrade life safety, Kansas City Plant, Kansas City, Missouri, \$1,000,000.

Project 94-D-127, emergency notification system, Pantex Plant, Amarillo, Texas, \$1,000,000.

Project 94-D-128, environmental safety and health analytical laboratory, Pantex Plant, Amarillo, Texas, \$800,000.

Project 93-D-102, Nevada support facility, North Las Vegas, Nevada, \$4,000,000.

Project 93-D-122, life safety upgrades, Y-12 Plant, Oak Ridge, Tennessee, \$5,000,000.

Project 93-D-123, complex-21, various locations, \$25,000,000.

Project 92-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase IV, various locations, \$27,479,000.

Project 92-D-126, replace emergency notification systems, various locations, \$10,500,000.

Project 90-D-102, nuclear weapons research, development, and testing facilities revitalization, Phase III, various locations, \$30,805,000.

Project 88-D-106, nuclear weapons research, development, and testing facilities revitalization, Phase II, various locations, \$39,624,000.

Project 88-D-122, facilities capability assurance program, various locations, \$27,100,000.

Project 88-D-123, security enhancements, Pantex Plant, Amarillo, Texas, \$20,000,000.

Project 85-D-121, air and water pollution control facilities, Y-12 Plant, Oak Ridge, Tennessee, \$3,000,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out weapons activities necessary for national security programs in the

amount of \$118,034,000, to be allocated as follows:

- (1) For research and development, \$82,879,000.
- (2) For testing, \$19,400,000.
- (3) For stockpile support, \$12,136,000.
- (4) For program direction, \$3,619,000.

(d) ADJUSTMENTS.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c)—

- (1) reduced by—
  - (A) \$443,641,000, for use of prior year balances; and
  - (B) \$50,000,000, for salary reductions; and
- (2) increased by \$100,000,000, for contractor employment transition.

#### SEC. 3102. ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$4,918,878,000, to be allocated as follows:

- (1) For corrective activities, \$2,170,000.
- (2) For environmental restoration, \$1,536,027,000.
- (3) For waste management, \$2,362,106,000.
- (4) For technology development, \$371,150,000.
- (5) For transportation management, \$19,730,000.
- (6) For program direction, \$82,427,000.
- (7) For facility transition, \$545,268,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out environmental restoration and waste management activities necessary for national security programs as follows:

Project GPD-171, general plant projects, various locations, \$48,180,000.

Project 94-D-122, underground storage tanks, Rocky Flats, Colorado, \$700,000.

Project 94-D-400, high explosive wastewater treatment system, Los Alamos National Laboratory, Los Alamos, New Mexico, \$1,000,000.

Project 94-D-401, emergency response facility, Idaho National Engineering Laboratory, Idaho, \$600,000.

Project 94-D-402, liquid waste treatment system, Nevada Test Site, Nevada, \$2,114,000.

Project 94-D-404, Melton Valley storage tank capacity increase, Oak Ridge National Laboratory, Oak Ridge, Tennessee, \$9,400,000.

Project 94-D-405, central neutralization facility pipeline extension project, K-25, Oak Ridge, Tennessee, \$1,714,000.

Project 94-D-406, low-level waste disposal facilities, K-25, Oak Ridge, Tennessee, \$6,000,000.

Project 94-D-407, initial tank retrieval systems, Richland, Washington, \$7,000,000.

Project 94-D-408, office facilities—200 East, Richland, Washington, \$1,200,000.

Project 94-D-411, solid waste operation complex, Richland, Washington, \$7,100,000.

Project 94-D-412, 300 area process sewer piping upgrade, Richland, Washington, \$1,100,000.

Project 94-D-414, site 300 explosive waste storage facility, Lawrence Livermore National Laboratory, Livermore, California, \$370,000.

Project 94-D-415, medical facilities, Idaho National Engineering Laboratory, Idaho, \$1,110,000.

Project 94-D-416, solvent storage tanks installation, Savannah River, South Carolina, \$1,500,000.

Project 94-D-451, infrastructure replacement, Rocky Flats Plant, Golden, Colorado, \$6,600,000.

Project 93-D-172, electrical upgrade, Idaho National Engineering Laboratory, Idaho, \$9,600,000.

Project 93-D-174, plant drain waste water treatment upgrades, Y-12 Plant, Oak Ridge, Tennessee, \$3,500,000.

Project 93-D-175, industrial waste compaction facility, Y-12 Plant, Oak Ridge, Tennessee, \$1,800,000.

Project 93-D-176, Oak Ridge reservation storage facility, K-25 Plant, Oak Ridge, Tennessee, \$6,039,000.

Project 93-D-177, disposal of K-1515 sanitary water treatment plant waste, K-25 Plant, Oak Ridge, Tennessee, \$7,100,000.

Project 93-D-178, building 374 liquid waste treatment facility, Rocky Flats, Golden, Colorado, \$1,000,000.

Project 93-D-181, radioactive liquid waste line replacement, Richland, Washington, \$6,000,000.

Project 93-D-182, replacement of cross-site transfer system, Richland, Washington, \$6,500,000.

Project 93-D-183, multi-tank waste storage facility, Richland, Washington, \$45,660,000.

Project 93-D-184, 325 facility compliance/renovation, Richland, Washington, \$3,500,000.

Project 93-D-185, landlord program safety compliance, Phase II, Richland, Washington, \$1,351,000.

Project 93-D-187, high-level waste removal from filled waste tanks, Savannah River, Aiken, South Carolina, \$3,000,000.

Project 93-D-188, new sanitary landfill, Savannah River, Aiken, South Carolina, \$1,020,000.

Project 92-D-125, master safeguards and security agreement/materials surveillance task force security upgrades, Rocky Flats Plant, Golden, Colorado, \$3,900,000.

Project 92-D-172, hazardous waste treatment and processing facility, Pantex Plant, Amarillo, Texas, \$300,000.

Project 92-D-173, nitrogen oxide abatement facility, Idaho Chemical Processing Plant, Idaho National Engineering Laboratory, Idaho, \$10,000,000.

Project 92-D-177, tank 101-AZ waste retrieval system, Richland, Washington, \$7,000,000.

Project 92-D-181, INEL fire and life safety improvements, Idaho National Engineering Laboratory, Idaho, \$5,000,000.

Project 92-D-182, INEL sewer system upgrade, Idaho National Engineering Laboratory, Idaho, \$1,450,000.

Project 92-D-183, INEL transportation complex, Idaho National Engineering Laboratory, Idaho, \$7,198,000.

Project 92-D-184, Hanford infrastructure underground storage tanks, Richland, Washington, \$300,000.

Project 92-D-186, steam system rehabilitation, Phase II, Richland, Washington, \$4,300,000.

Project 92-D-187, 300 area electrical distribution, conversion, and safety improvements, Phase II, Richland, Washington, \$10,276,000.

Project 92-D-188, waste management ES&H, and compliance activities, various locations, \$8,568,000.

Project 92-D-403, tank upgrade project, Lawrence Livermore National Laboratory, California, \$3,888,000.

Project 91-D-171, waste receiving and processing facility, module 1, Richland, Washington, \$17,700,000.

Project 91-D-175, 300 area electrical distribution, conversion, and safety improvements, Phase I, Richland, Washington, \$1,500,000.

Project 90-D-172, aging waste transfer line, Richland, Washington, \$5,000,000.

Project 90-D-175, landlord program safety compliance-I, Richland, Washington, \$1,800,000.

Project 90-D-177, RWMC transuranic (TRU) waste characterization and storage facility, Idaho National Engineering Laboratory, Idaho, \$21,700,000.

Project 89-D-172, Hanford environmental compliance, Richland, Washington, \$11,700,000.

Project 89-D-173, tank farm ventilation upgrade, Richland, Washington, \$1,000,000.

Project 89-D-174, replacement high-level waste evaporator, Savannah River, South Carolina, \$12,974,000.

Project 88-D-173, Hanford waste vitrification plant, Richland, Washington, \$40,000,000.

Project 87-D-181, diversion box and pump pit containment buildings, Savannah River, South Carolina, \$2,137,000.

Project 86-D-103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, California, \$10,260,000.

Project 83-D-148, nonradioactive hazardous waste management, Savannah River, South Carolina, \$2,169,000.

Project 81-T-105, defense waste processing facility, Savannah River, South Carolina, \$43,873,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of \$203,826,000, to be allocated as follows:

- (1) For corrective activities, \$600,000.
- (2) For waste management, \$138,781,000.
- (3) For technology development, \$29,850,000.
- (4) For transportation management, \$400,000.
- (5) For program direction, \$9,469,000.
- (6) For facility transition and management, \$24,726,000.

(d) GENERAL REDUCTION IN OPERATING EXPENSES.—The amount authorized to be appropriated for operating expenses pursuant to subsection (a) is the amount authorized to be appropriated in that subsection reduced by \$280,000,000.

(e) PRIOR YEAR BALANCES.—The total amount authorized to be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a), (b), and (c) reduced by \$86,600,000. In determining the amount authorized to be appropriated pursuant to subsection (a) for the purposes of this subsection, subsection (d) shall be taken into account.

#### SEC. 3103. NUCLEAR MATERIALS SUPPORT AND OTHER DEFENSE PROGRAMS.

(a) OPERATING EXPENSES.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses incurred in carrying out nuclear materials support and other defense programs necessary for national security programs in the amount of \$2,182,315,000, to be allocated as follows:

- (1) For nuclear materials support, \$873,123,000.
- (2) For verification and control technology, \$341,941,000.
- (3) For nuclear safeguards and security, \$82,700,000.
- (4) For security investigations, \$49,000,000.
- (5) For security evaluations, \$14,961,000.
- (6) For nuclear safety, \$24,859,000.
- (7) For worker training and adjustment, \$100,000,000.
- (8) For naval reactors, including enrichment materials, \$695,731,000.

(b) PLANT PROJECTS.—Funds are hereby authorized to be appropriated to the Depart-

ment of Energy for fiscal year 1994 for plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto) in carrying out nuclear materials support and other defense programs necessary for national security programs as follows:

(1) For materials support:

Project GPD-146, general plant projects, various locations, \$23,000,000.

Project 93-D-147, domestic water system upgrade, Phases I and II, Savannah River, South Carolina, \$7,720,000.

Project 93-D-148, replace high-level drain lines, Savannah River, South Carolina, \$1,800,000.

Project 93-D-152, environmental modification for production facilities, Savannah River, South Carolina, \$20,000,000.

Project 92-D-140, F&H canyon exhaust upgrades, Savannah River, South Carolina, \$15,000,000.

Project 92-D-142, nuclear material processing training center, Savannah River, South Carolina, \$8,900,000.

Project 92-D-143, health protection instrument calibration facility, Savannah River, South Carolina, \$9,600,000.

Project 92-D-150, operations support facilities, Savannah River, South Carolina, \$26,900,000.

Project 92-D-153, engineering support facility, Savannah River, South Carolina, \$9,500,000.

Project 90-D-149, plantwide fire protection, Phases I and II, Savannah River, South Carolina, \$25,950,000.

Project 86-D-149, productivity retention program, Phases I, II, III, IV, V, and VI, various locations, \$3,700,000.

(2) For verification and control technology:

Project 90-D-186, center for national security and arms control, Sandia National Laboratories, Albuquerque, New Mexico, \$8,515,000.

(3) For naval reactors development:

Project GPN-101, general plant projects, various locations, \$7,500,000.

Project 93-D-200, engineering services facilities, Knolls Atomic Power Laboratory, Niskayuna, New York, \$7,000,000.

Project 92-D-200, laboratories facilities upgrades, various locations, \$2,800,000.

(c) CAPITAL EQUIPMENT.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for capital equipment not related to construction in carrying out nuclear materials support and other defense programs necessary for national security programs as follows:

(1) For materials support, \$65,000,000.

(2) For verification and control technology, \$15,573,000.

(3) For nuclear safeguards and security, \$4,101,000.

(4) For nuclear safety, \$50,000.

(5) For naval reactors, \$46,900,000.

(d) ADJUSTMENTS.—The total amount that may be appropriated pursuant to this section is the sum of the amounts authorized to be appropriated in subsections (a) through (c) reduced by—

(1) \$100,000,000, for recovery of overpayment to the Savannah River Pension Fund;

(2) \$409,132,000, for use of prior year balances for materials support and other defense programs; and

(3) \$18,937,000, for salary reductions.

(e) ECONOMIC ADJUSTMENT ASSISTANCE.—Of the amount provided under subsection (a)(7) for worker training and adjustment, \$6,000,000 shall be available for providing economic assistance and development funding for local counties or localities surrounding the property of the Department of Energy defense nuclear facility at the Savannah River Site, South Carolina. To the extent

practicable, the amount of assistance to be provided should be distributed as follows:

(1) \$1,000,000 to plan community adjustments and economic diversification.

(2) \$5,000,000 to carry out a community adjustments and economic diversification program.

(f) USE OF TECHNOLOGY TRANSFER FUNDS AT THE SAVANNAH RIVER SITE.—Of amounts authorized to be appropriated in subsection (a)(1) for nuclear materials support, there are hereby authorized to be appropriated \$4,000,000 for technology transfer activities at the Department of Energy defense production facility at the Savannah River Site, South Carolina.

#### SEC. 3104. DEFENSE NUCLEAR WASTE DISPOSAL.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 1994 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of \$120,000,000.

#### Subtitle B—Recurring General Provisions

#### SEC. 3121. REPROGRAMMING.

(a) NOTICE TO CONGRESS.—(1) Except as otherwise provided in this title—

(A) no amount appropriated pursuant to this title may be used for any program in excess of the lesser of—

(i) 105 percent of the amount authorized for that program by this title; or

(ii) \$10,000,000 more than the amount authorized for that program by this title; and

(B) no amount appropriated pursuant to this title may be used for any program which has not been presented to, or requested of, the Congress.

(2) An Action described in paragraph (1) may not be taken until—

(A) the Secretary of Energy has submitted to the congressional defense committees a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) LIMITATION ON AMOUNT OBLIGATED.—In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.

#### SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

(a) IN GENERAL.—The Secretary of Energy may carry out any construction project under the general plant projects provisions authorized by this title if the total estimated cost of the construction project does not exceed \$2,000,000.

(b) REPORT TO CONGRESS.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds \$2,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.

#### SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

(a) IN GENERAL.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by sections 3101, 3102, and 3103, or which is in support of national security programs of the De-

partment of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—

(A) the amount authorized for the project; or

(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to the Congress.

(2) An Action described in paragraph (1) may be taken if—

(A) the Secretary of Energy has submitted to the congressional defense committees a report on the action and the circumstances making such action necessary; and

(B) a period of 30 days has elapsed after the date on which the report is received by the committees.

(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 calendar days to a day certain.

(b) EXCEPTION.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than \$5,000,000.

#### SEC. 3124. FUND TRANSFER AUTHORITY.

Funds appropriated pursuant to this title may be transferred to other agencies of the Federal Government for the performance of the work for which the funds were appropriated, and funds so transferred may be merged with the appropriations of the agency to which the funds are transferred.

#### SEC. 3125. AUTHORITY FOR CONSTRUCTION DESIGN.

(a) IN GENERAL.—(1) Within the amounts authorized by this title for plant engineering and design, the Secretary of Energy may carry out advance planning and construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such planning and design does not exceed \$2,000,000.

(2) In the case of any project in which the total estimated cost for advance planning and design exceeds \$300,000, the Secretary shall notify the congressional defense committees in writing of the details of such project at least 30 days before any funds are obligated for design services for such project.

(b) SPECIFIC AUTHORITY REQUIRED.—In any case in which the total estimated cost for advance planning and construction design in connection with any construction project exceeds \$2,000,000, funds for such planning and design must be specifically authorized by law.

#### SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

(a) AUTHORITY.—The Secretary of Energy may use any funds available to the Department of Energy, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy defense activity construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, meet the needs of national defense, or protect property.

(b) LIMITATION.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.

(c) SPECIFIC AUTHORITY.—The requirement of section 3125(b) does not apply to emergency planning, design, and construction activities conducted under this section.



(d) REPORT.—The Secretary of Energy shall promptly report to the congressional defense committees any exercise of authority under this section.

**SEC. 3127. FUNDS AVAILABLE FOR ALL NATIONAL SECURITY PROGRAMS OF THE DEPARTMENT OF ENERGY.**

Subject to the provisions of appropriation Acts and section 3121, amounts appropriated pursuant to this title for management and support activities and for general plant projects are available for use, when necessary, in connection with all national security programs of the Department of Energy.

**SEC. 3128. AVAILABILITY OF FUNDS.**

When so specified in an appropriation Act, amounts appropriated for operating expenses, plant projects, and capital equipment may remain available until expended.

**Subtitle C—Program Authorizations, Restrictions, and Limitations**

**SEC. 3131. DEFENSE INERTIAL CONFINEMENT FUSION PROGRAM.**

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses and plant and capital equipment, \$188,413,000 shall be available for the defense inertial confinement fusion program.

**SEC. 3132. PAYMENT OF PENALTY ASSESSED AGAINST HANFORD PROJECT.**

The Secretary of Energy may pay to the Hazardous Substances Response Trust, from funds appropriated to the Department of Energy for environmental restoration and waste management activities pursuant to section 3102, a stipulated civil penalty in the amount of \$100,000 assessed under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) and the Hanford Consent Agreement and Compliance Order for Department of Energy Hanford.

**SEC. 3133. WATER MANAGEMENT PROGRAMS.**

From funds authorized to be appropriated pursuant to section 3102(a) to the Department of Energy for environmental restoration and waste management activities, the Secretary of Energy may reimburse the cities of Westminster, Broomfield, Thornton, and Northglenn, in the State of Colorado, \$11,300,000 for the cost of implementing water management programs. Reimbursements for the water management programs shall not be considered a major Federal action for purposes of section 102(2) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)).

**SEC. 3134. TECHNOLOGY TRANSFER.**

(a) IN GENERAL.—(1) The Secretary of Energy may use for technology transfer activities described in paragraph (2), and for cooperative research and development agreements and partnerships to carry out such activities, funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 under sections 3101 and 3103.

(2) The activities that may be funded under this paragraph are those activities determined by the Secretary of Energy to facilitate the maintenance and enhancement of critical skills required for research on, and development of, any dual-use critical technology.

(b) APPLICABILITY OF CERTAIN LAWS.—The Secretary of Energy shall conduct the activities funded under subsection (a) in accordance with applicable laws and regulations relating to grants, contracts, and cooperative agreements of the Department of Energy, including the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), the National Competitiveness Technology Transfer Act of 1989 (15 U.S.C. 3701 note), and section 3136 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 2123).

(c) DEFINITION.—For purposes of this section, the term “dual-use critical technology” has the meaning given such term by section 3136(b) of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 2123(b)).

**SEC. 3135. TECHNOLOGY TRANSFER AND ECONOMIC DEVELOPMENT ACTIVITIES FOR COMMUNITIES SURROUNDING SAVANNAH RIVER SITE.**

(a) PLAN.—(1) The Secretary of Energy shall submit to the Congress a plan for the expenditure of funds in an equitable manner to foster technology transfer to, and economic development activities in, the communities surrounding the Savannah River Site, South Carolina.

(2) The plan required under paragraph (1)—

(A) shall be based on a report on the matters referred to in that paragraph that is prepared by the appropriate official of the Department of Energy at the Savannah River Site and submitted to the Secretary; and

(B) shall be submitted to the Congress by the Secretary within 30 days after the date on which the report referred to in subparagraph (A) is submitted to the Secretary.

(b) LIMITATION.—The Secretary of Energy may not, for the purpose of fostering technology transfer to, and economic development activities in, the communities referred to in subsection (a)(1), obligate more than \$5,000,000 of the \$30,000,000 appropriated to the Department of Energy for such purpose pursuant to the authorization of appropriations in section 3102 until 30 days after the date on which the Secretary submits to the Congress the plan required under that subsection.

**SEC. 3136. PROHIBITION ON RESEARCH AND DEVELOPMENT OF LOW-YIELD NUCLEAR WEAPONS.**

(a) UNITED STATES POLICY.—It shall be the policy of the United States not to conduct research and development which could lead to the production by the United States of a new low-yield nuclear weapon, including a precision low-yield warhead.

(b) LIMITATION.—The Secretary of Energy may not conduct, or provide for the conduct of, research and development which could lead to the production by the United States of a low-yield nuclear weapon which, as of the date of the enactment of this Act, has not entered production.

(c) EFFECT ON OTHER RESEARCH AND DEVELOPMENT.—Nothing in this section shall prohibit the Secretary of Energy from conducting, or providing for the conduct of, research and development necessary—

(1) to design a testing device that has a yield of less than five kilotons;

(2) to modify an existing weapon for the purpose of addressing safety and reliability concerns; or

(3) to address proliferation concerns.

(d) DEFINITION.—In this section, the term “low-yield nuclear weapon” means a nuclear weapon that has a yield of less than five kilotons.

**SEC. 3137. TESTING OF NUCLEAR WEAPONS.**

(a) IN GENERAL.—Of the funds authorized to be appropriated under section 3101(a)(2) for the Department of Energy for fiscal year 1994 for weapons testing, \$211,326,000 shall be available for infrastructure maintenance at the Nevada Test Site, and for maintaining the technical capability to resume underground nuclear testing at the Nevada Test Site.

(b) ATMOSPHERIC TESTING OF NUCLEAR WEAPONS.—None of the funds appropriated pursuant to this Act or any other Act for any fiscal year may be available to maintain the capability of the United States to conduct atmospheric testing of a nuclear weapon.

**SEC. 3138. STOCKPILE STEWARDSHIP PROGRAM.**

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a stewardship program

to ensure the preservation of the core intellectual and technical competencies of the United States in nuclear weapons, including weapons design, system integration, manufacturing, security, use control, reliability assessment, and certification.

(b) PROGRAM ELEMENTS.—The program shall include the following:

(1) An increased level of effort for advanced computational capabilities to enhance the simulation and modeling capabilities of the United States with respect to the detonation of nuclear weapons.

(2) An increased level of effort for above-ground experimental programs, such as hydrotesting, high-energy lasers, inertial confinement fusion, plasma physics, and materials research.

(3) Support for new facilities construction projects that contribute to the experimental capabilities of the United States, such as an advanced hydrodynamics facility, the National Ignition Facility, and other facilities for above-ground experiments to assess nuclear weapons effects.

(c) AUTHORIZATION OF APPROPRIATIONS.—Of funds authorized to be appropriated to the Secretary of Energy for fiscal year 1994 for weapons activities, \$157,400,000 shall be available for the stewardship program established under subsection (a).

(d) REPORT.—Each year, at the same time the President submits the budget under section 1105 of title 31, United States Code, the President shall submit to the Congress a report covering the most recently completed calendar year which sets forth—

(1) any concerns with respect to the safety, security, effectiveness, or reliability of existing United States nuclear weapons raised by the Stockpile Surveillance Program of the Department of Energy, and the calculations and experiments performed by Sandia National Laboratories, Lawrence Livermore National Laboratory, or Los Alamos National Laboratory; and

(2) if such concerns have been raised, the President's evaluation of each concern and a report on what actions are being or will be taken to address that concern.

**SEC. 3139. NATIONAL SECURITY PROGRAMS.**

Notwithstanding any other provision of law, not more than 95 percent of the funds appropriated to the Department of Energy for national security programs under this title may be obligated for such programs until the Secretary of Energy submits to the congressional defense committees the five-year budget plan with respect to fiscal year 1994 required under section 3144 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101-189; 103 Stat. 1681; 42 U.S.C. 7271b).

**SEC. 3140. EXPENDED CORE FACILITY DRY CELL.**

None of the funds appropriated or otherwise made available to the Department of Energy for fiscal year 1994 may be obligated for project 90-N-102, expended core facility dry cell project, Naval Reactors Facility, Idaho, until shipment of spent naval nuclear fuel from United States naval surface ships and submarines to the Idaho Engineering Laboratory, Idaho, is resumed.

**SEC. 3141. SCHOLARSHIP AND FELLOWSHIP PROGRAM FOR ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.**

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, \$1,000,000 shall be available for the Scholarship and Fellowship Program for Environmental Restoration and Waste Management carried out under section 3132 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (42 U.S.C. 7274e).

**SEC. 3142. HAZARDOUS MATERIALS MANAGEMENT AND HAZARDOUS MATERIALS EMERGENCY RESPONSE TRAINING PROGRAM.**

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 under section 3102, not more than \$10,000,000 shall be available to carry out a hazardous materials management and hazardous materials emergency response training program.

**SEC. 3143. WORKER HEALTH AND PROTECTION.**

(a) HANFORD HEALTH INFORMATION NETWORK.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 under section 3101(a), \$1,750,000 shall be available for activities relating to the Hanford health information network established pursuant to the authority set forth in section 3138 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 104 Stat. 1834).

(b) PROTECTION OF NUCLEAR WEAPONS FACILITIES WORKERS.—Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for environmental restoration and waste management, \$11,000,000 shall be available to carry out activities authorized under section 3131 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Public Law 102-190; 42 U.S.C. 7274d), relating to worker protection at nuclear weapons facilities.

**SEC. 3144. VERIFICATION AND CONTROL TECHNOLOGY.**

Of the funds authorized to be appropriated to the Department of Energy for fiscal year 1994 for operating expenses for activities relating to verification and control technology, not more than \$334,441,000 may be obligated until the Secretary of Defense submits the report required by section 1606.

**SEC. 3145. TRITIUM PRODUCTION REQUIREMENTS.**

(a) EVALUATION.—(1) The Secretary of Energy shall evaluate—

(A) a range of contingency options for meeting potential tritium requirements of the United States before 2008; and

(B) long-term options for the production of tritium to meet the tritium requirements of the United States after 2008.

(2) Among the long-term options evaluated under paragraph (1)(B), the Secretary of Energy shall consider—

(A) those technologies and reactors that are evaluated by the Secretary for plutonium disposition and are appropriate for the production of tritium, for the feasibility and cost-effectiveness of using such technologies and reactors for the production of tritium; and

(B) any proposals for the private financing of tritium production facilities or for the commercial production of tritium that the Secretary considers promising.

(b) REPORT.—Not later than six months after the date of the enactment of this Act, the Secretary of Energy shall submit to the Congress a report on the contingency options evaluated under subsection (a)(1)(A) which sets forth the Secretary's plan for meeting, through 2008, the requirements of the United States for tritium for national security purposes. The report shall include an assessment of the effect of the closing of the K reactor at the Savannah River Site, South Carolina, on the ability of the Department of Energy to meet such requirements. The report shall be submitted in unclassified form, with a classified appendix if necessary.

(c) ENVIRONMENTAL IMPACT STATEMENT.—The Secretary of Energy shall include an assessment of the capacity of the Department of Energy to produce tritium after 2008 in the Secretary's programmatic environmental impact statement under 102(2)(C) of the National Environmental Policy Act of

1969 (42 U.S.C. 4332(2)(C)) on the reconfiguration of the Department of Energy nuclear weapons complex. The Secretary shall issue the programmatic environmental impact statement not later than March 1, 1995.

**Subtitle D—Other Matters**

**SEC. 3151. LIMITATIONS ON THE RECEIPT AND STORAGE OF SPENT NUCLEAR FUEL FROM FOREIGN RESEARCH REACTORS.**

(a) PURPOSE.—It is the purpose of this section to regulate the receipt and storage of spent nuclear fuel at the Department of Energy defense nuclear facility located at the Savannah River Site, South Carolina (in this section referred to as the "Savannah River Site").

(b) RECEIPT IN EMERGENCY CIRCUMSTANCES.—When the Secretary of Energy determines that emergency circumstances make it necessary to receive spent nuclear fuel, the Secretary shall submit a notification of that determination to the Congress. The Secretary may not receive spent nuclear fuel at the Savannah River Site until the expiration of the 30-day period beginning on the date on which the Congress receives the notification.

(c) LIMITATION ON STORAGE IN NON-EMERGENCY CIRCUMSTANCES.—The Secretary of Energy may not, under other than emergency circumstances, receive and store at the Savannah River Site any spent nuclear fuel in excess of the amount that (as of the date of the enactment of this Act) the Savannah River Site is capable of receiving and storing, until, with respect to the receipt and storage of any such spent nuclear fuel—

(1) the completion of an environmental impact statement under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) the expiration of the 90-day period (as prescribed by regulation pursuant to such Act) beginning on the date of such completion; and

(3) the signing by the Secretary of a record of decision following such completion.

(d) LIMITATIONS ON RECEIPT.—The Secretary of Energy may not, under emergency or non-emergency circumstances, receive spent nuclear fuel if the spent nuclear fuel—

(1) cannot be transferred in an expeditious manner from its port of entry in the United States to a storage facility that is located at a Department of Energy facility and is capable of receiving and storing the spent nuclear fuel; or

(2) will remain on a vessel in the port of entry for a period that exceeds the period necessary to unload the fuel from the vessel pursuant to routine unloading procedures.

(e) CRITERIA FOR PORT OF ENTRY.—The Secretary of Energy shall, if economically feasible and to the maximum extent practicable, provide for the receipt of spent nuclear fuel under this section at a port of entry in the United States which, as determined by the Secretary and compared to each other port of entry in the United States that is capable of receiving the spent nuclear fuel—

(1) has the lowest human population in the area surrounding the port of entry;

(2) is closest in proximity to the facility which will store the spent nuclear fuel; and

(3) has the most appropriate facilities for, and experience in, receiving spent nuclear fuel.

(f) DEFINITION.—In this section, the term "spent nuclear fuel" means nuclear fuel that—

(1) was originally exported to a foreign country from the United States in the form of highly enriched uranium; and

(2) was used in a research reactor by the Government of a foreign country or by a foreign-owned or foreign-controlled entity.

**SEC. 3152. EXTENSION OF REVIEW OF WASTE ISOLATION PILOT PLANT IN NEW MEXICO.**

Section 1433(a) of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2073) is amended in the second sentence by striking out "four additional one-year periods" and inserting in lieu thereof "nine additional one-year periods".

**SEC. 3153. BASELINE ENVIRONMENTAL MANAGEMENT REPORTS.**

(a) ANNUAL ENVIRONMENTAL RESTORATION REPORTS.—(1) The Secretary of Energy shall (in the years and at the times specified in paragraph (2)) submit to the Congress a report on the activities and projects necessary to carry out the environmental restoration of all Department of Energy defense nuclear facilities.

(2) Reports under paragraph (1) shall be submitted as follows:

(A) The initial report shall be submitted not later than March 1, 1995.

(B) A report after the initial report shall be submitted in each year after 1995 during which the Secretary of Energy conducts, or plans to conduct, environmental restoration activities and projects, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(b) ANNUAL WASTE MANAGEMENT REPORTS.—(1) The Secretary of Energy shall (in the years and at the times specified in paragraph (2)) submit to the Congress a report on all activities and projects for waste management, transition of operational facilities to safe shutdown status, and technology research and development related to such activities and projects that are necessary for Department of Energy defense nuclear facilities.

(2) Reports required under paragraph (1) shall be submitted as follows:

(A) The initial report shall be submitted not later than June 1, 1995.

(B) A report after the initial report shall be submitted in each year after 1995, not later than 30 days after the date on which the President submits to the Congress the budget for the fiscal year beginning in that year.

(c) CONTENTS OF REPORTS.—A report required under subsection (a) or (b) shall be based on compliance with all applicable provisions of law, permits, regulations, orders, and agreements, and shall—

(1) provide the estimated total cost of, and the complete schedule for, the activities and projects covered by the report; and

(2) with respect to each such activity and project, contain—

(A) a description of the activity or project;

(B) a description of the problem addressed by the activity or project;

(C) the proposed remediation of the problem, if the remediation is known or decided;

(D) the estimated cost to complete the activity or project, including, where appropriate, the cost for every five-year increment; and

(E) the estimated date for completion of the activity or project, including, where appropriate, progress milestones for every five-year increment.

(d) ANNUAL STATUS AND VARIANCE REPORTS.—(1)(A) The Secretary of Energy shall (in the years and at the time specified in subparagraph (B)) submit to the Congress a status and variance report on environmental restoration and waste management activities and projects at Department of Energy defense nuclear facilities.

(B) A report under subparagraph (A) shall be submitted in 1995 and in each year thereafter during which the Secretary of Energy conducts environmental restoration and waste management activities, not later than 30 days after the date on which the President

submits to the Congress the budget for the fiscal year beginning in that year.

(2) Each status and variance report under paragraph (1) shall contain the following:

(A) Information on each such activity and project for which funds were appropriated for the fiscal year immediately before the fiscal year during which the report is submitted, including the following:

(i) Information on whether or not the activity or project has been completed, and information on the estimated date of completion for activities or projects that have not been completed.

(ii) The total amount of funds expended for the activity or project during such prior fiscal year, including the amount of funds expended from amounts made available as the result of supplemental appropriations or a transfer of funds, and an estimate of the total amount of funds required to complete the activity or project.

(iii) Information on whether the President requested an amount of funds for the activity or project in the budget for the fiscal year during which the report is submitted, and whether such funds were appropriated or transferred.

(iv) An explanation of the reasons for any projected cost variance between actual and estimated expenditures of more than 15 percent or \$10,000,000, or any schedule delay of more than six months, for the activity or project.

(B) For the fiscal year during which the report is submitted, a disaggregation of the funds appropriated for Department of Energy defense environmental restoration and waste management into the activities and projects (including discrete parts of multiyear activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(C) For the fiscal year for which the budget is submitted, a disaggregation of the Department of Energy defense environmental restoration and waste management budget request into the activities and projects (including discrete parts of multiyear activities and projects) that the Secretary of Energy expects to accomplish during that fiscal year.

(e) COMPLIANCE TRACKING.—In preparing a report under this section, the Secretary of Energy shall provide, with respect to each activity and project identified in the report, information which is sufficient to track the Department of Energy's compliance with relevant Federal and State regulatory milestones.

#### SEC. 3154. LEASE OF PROPERTY AT DEPARTMENT OF ENERGY WEAPON PRODUCTION FACILITIES.

Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following new subsections:

"(c) The Secretary may lease, upon terms and conditions the Secretary considers appropriate to promote national security or the public interest, acquired real property and related personal property that—

"(1) is located at a facility of the Department of Energy to be closed or reconfigured;

"(2) at the time the lease is entered into, is not needed by the Department of Energy; and

"(3) is under the control of the Department of Energy.

"(d)(1) A lease entered into under subsection (c) may not be for a term of more than 10 years, except that the Secretary may enter into a lease that includes an option to renew for a term of more than 10 years if the Secretary determines that entering into such a lease will promote the national security or be in the public interest.

"(2) A lease entered into under subsection (c) may provide for the payment (in cash or

in kind) by the lessee of consideration in an amount that is less than the fair market rental value of the leasehold interest. Services relating to the protection and maintenance of the leased property may constitute all or part of such consideration.

"(e)(1) Before entering into a lease under subsection (c), the Secretary shall consult with the Administrator of the Environmental Protection Agency (with respect to property located on a site on the National Priorities List) or the appropriate State official (with respect to property located on a site that is not listed on the National Priorities List) to determine whether the environmental conditions of the property are such that leasing the property, and the terms and conditions of the lease agreement, are consistent with safety and the protection of public health and the environment.

"(2) Before entering into a lease under subsection (c), the Secretary shall obtain the concurrence of the Administrator of the Environmental Protection Agency or the appropriate State official, as the case may be, in the determination required under paragraph (1). The Secretary may enter into a lease under subsection (c) without obtaining such concurrence if, within 60 days after the Secretary requests the concurrence, the Administrator or appropriate State official, as the case may be, fails to submit to the Secretary a notice of such individual's concurrence with, or rejection of, the determination.

"(f) To the extent provided in advance in appropriations Acts, the Secretary may retain and use money rentals received by the Secretary directly from a lease entered into under subsection (c) in any amount the Secretary considers necessary to cover the administrative expenses of the lease, the maintenance and repair of the leased property, or environmental restoration activities at the facility where the leased property is located. Amounts retained under this subsection shall be retained in a separate fund established in the Treasury for such purpose. The Secretary shall annually submit to the Congress a report on amounts retained and amounts used under this subsection."

#### SEC. 3155. AUTHORITY TO TRANSFER CERTAIN DEPARTMENT OF ENERGY PROPERTY.

(a) AUTHORITY TO TRANSFER.—(1) Notwithstanding any other provision of law, the Secretary of Energy may transfer, for consideration, all right, title, and interest of the United States in and to the property referred to in subsection (b) to any person if the Secretary determines that such transfer will mitigate the adverse economic consequences that might otherwise arise from the closure of a Department of Energy facility.

(2) The amount of consideration received by the United States for a transfer under paragraph (1) may be less than the fair market value of the property transferred if the Secretary determines that the receipt of such lesser amount by the United States is in accordance with the purpose of such transfer under this section.

(3) The Secretary may require any additional terms and conditions with respect to a transfer of property under paragraph (1) that the Secretary determines appropriate to protect the interests of the United States.

(b) COVERED PROPERTY.—Property referred to in subsection (a) is the following property of the Department of Energy that is located at a Department of Energy facility to be closed or reconfigured:

(1) The personal property and equipment at the facility that the Secretary determines to be excess to the needs of the Department of Energy.

(2) Any personal property and equipment at the facility (other than the property and equipment referred to in paragraph (1)) the replacement cost of which does not exceed an

amount equal to 110 percent of the costs of relocating the property or equipment to another facility of the Department of Energy.

#### SEC. 3156. IMPROVED CONGRESSIONAL OVERSIGHT OF DEPARTMENT OF ENERGY SPECIAL ACCESS PROGRAMS.

(a) IN GENERAL.—Chapter 9 of the Atomic Energy Act of 1954 (42 U.S.C. 2121 et seq.) is amended by adding at the end the following new section:

#### "SEC. 93. CONGRESSIONAL OVERSIGHT OF SPECIAL ACCESS PROGRAMS.

"(a) ANNUAL REPORT ON SPECIAL ACCESS PROGRAMS.—

"(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report on special access programs of the Department of Energy carried out under the atomic energy defense activities of the Department.

"(2) MATTERS TO BE INCLUDED.—Each such report shall set forth—

"(A) the total amount requested for such programs in the President's budget for the next fiscal year submitted under section 1105 of title 31, United States Code; and

"(B) for each such program in that budget, the following:

"(i) A brief description of the program.

"(ii) A brief discussion of the major milestones established for the program.

"(iii) The actual cost of the program for each fiscal year during which the program has been conducted before the fiscal year during which that budget is submitted.

"(iv) The estimated total cost of the program and the estimated cost of the program for (I) the current fiscal year, (II) the fiscal year for which the budget is submitted, and (III) each of the four succeeding fiscal years during which the program is expected to be conducted.

"(b) ANNUAL REPORT ON NEW SPECIAL ACCESS PROGRAMS.—

"(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Energy shall submit to the congressional defense committees a report that, with respect to each new special access program, provides—

"(A) notice of the designation of the program as a special access program; and

"(B) justification for such designation.

"(2) MATTERS TO BE INCLUDED.—A report under paragraph (1) with respect to a program shall include—

"(A) the current estimate of the total program cost for the program; and

"(B) an identification of existing programs or technologies that are similar to the technology, or that have a mission similar to the mission, of the program that is the subject of the notice.

"(3) NEW SPECIAL ACCESS PROGRAM DEFINED.—In this subsection, the term 'new special access program' means a special access program that has not previously been covered in a notice and justification under this subsection.

"(c) REPORTS ON CHANGES IN CLASSIFICATION OF SPECIAL ACCESS PROGRAMS.—

"(1) NOTICE TO CONGRESSIONAL COMMITTEES.—Whenever a change in the classification of a special access program of the Department of Energy is planned to be made or whenever classified information concerning a special access program of the Department of Energy is to be declassified and made public, the Secretary of Energy shall submit to the congressional defense committees a report containing a description of the proposed change, the reasons for the proposed change, and notice of any public announcement planned to be made with respect to the proposed change.

"(2) TIME FOR NOTICE.—Except as provided in paragraph (3), any report referred to in paragraph (1) shall be submitted not less

than 14 days before the date on which the proposed change or public announcement is to occur.

"(3) TIME WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—If the Secretary determines that because of exceptional circumstances the requirement of paragraph (2) cannot be met with respect to a proposed change or public announcement concerning a special access program of the Department of Energy, the Secretary may submit the report required by paragraph (1) regarding the proposed change or public announcement at any time before the proposed change or public announcement is made and shall include in the report an explanation of the exceptional circumstances.

"(d) NOTICE OF CHANGE IN SAP DESIGNATION CRITERIA.—Whenever there is a modification or termination of the policy and criteria used for designating a program of the Department of Energy as a special access program, the Secretary of Energy shall promptly notify the congressional defense committees of such modification or termination. Any such notification shall contain the reasons for the modification or termination and, in the case of a modification, the provisions of the policy as modified.

"(e) WAIVER AUTHORITY.—

"(1) IN GENERAL.—The Secretary of Energy may waive any requirement under subsection (a), (b), or (c) that certain information be included in a report under that subsection if the Secretary determines that inclusion of that information in the report would adversely affect the national security. The Secretary may waive the report-and-wait requirement in subsection (f) if the Secretary determines that compliance with such requirement would adversely affect the national security. Any waiver under this paragraph shall be made on a case-by-case basis.

"(2) LIMITED NOTICE REQUIRED.—If the Secretary exercises the authority provided under paragraph (1), the Secretary shall provide the information described in that subsection with respect to the special access program concerned, and the justification for the waiver, jointly to the chairman and ranking minority member of each of the congressional defense committees.

"(f) REPORT AND WAIT FOR INITIATING NEW PROGRAMS.—A special access program may not be initiated until—

"(1) the congressional defense committees are notified of the program; and

"(2) a period of 30 days elapses after such notification is received.

"(g) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term 'congressional defense committees' means the Committees on Armed Services and the Committees on Appropriations of the Senate and House of Representatives."

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 92 the following new item:

"Sec. 93. Congressional oversight of special access programs."

#### SEC. 3157. REAUTHORIZATION AND EXPANSION OF AUTHORITY TO LOAN PERSONNEL AND FACILITIES.

(a) AUTHORITY TO LOAN PERSONNEL.—Subsection (a)(1) of section 1434 of the National Defense Authorization Act, Fiscal Year 1989 (Public Law 100-456; 102 Stat. 2074) is amended—

(1) in subparagraph (A)—

(A) by striking out "and" at the end of clause (i);

(B) by striking out the period at the end of clause (ii) and inserting in lieu thereof a semicolon; and

(C) by adding at the end the following:

"(iii) at the Savannah River Site, South Carolina, to loan personnel in accordance

with this section to any community-based organization; and

"(iv) at the Oak Ridge Reservation, Tennessee, to loan personnel in accordance with this section to any community-based organization.""; and

(2) in subparagraph (B)—

(A) by striking out "and the Idaho" and inserting in lieu thereof "the Idaho"; and

(B) by adding before the period at the end the following: "the Savannah River Site, and the Oak Ridge Reservation".

(b) AUTHORITY TO LOAN FACILITIES.—Subsection (b) of such Act is amended—

(1) by striking out "or the Idaho" and inserting in lieu thereof "the Idaho"; and

(2) by inserting "the Savannah River Site, South Carolina, or the Oak Ridge Reservation, Tennessee," before "to any community-based organization".

(c) DURATION OF PROGRAM.—Subsection (c) of such section is amended—

(1) by striking out "Reservation, and" and inserting in lieu thereof "Reservation,"; and

(2) by inserting after "Idaho National Engineering Laboratory" the following: "and September 30, 1995, with respect to the Savannah River Site, and to the Oak Ridge Reservation".

#### SEC. 3158. MODIFICATION OF PAYMENT PROVISION.

Section 1532(a) of the Department of Defense Authorization Act, 1986 (Public Law 99-145; 42 U.S.C. 2391 note) is amended by striking out "1996" and inserting in lieu thereof "1995".

#### SEC. 3159. CONTRACT GOAL FOR SMALL DISADVANTAGED BUSINESSES AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.

(a) GOAL.—Except as provided in subsection (c), a goal of 5 percent of the amount described in subsection (b) shall be the objective of the Department of Energy in carrying out national security programs of the Department in each of fiscal years 1994 through 2000 for the total combined amount obligated for contracts and subcontracts entered into with—

(1) small business concerns, including mass media and advertising firms, owned and controlled by socially and economically disadvantaged individuals (as such term is used in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and regulations issued under that section), the majority of the earnings of which directly accrue to such individuals;

(2) historically Black colleges and universities, including any nonprofit research institution that was an integral part of such a college or university before November 14, 1986; and

(3) minority institutions (as defined in section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1135d-5(3)), which, for the purposes of this section, shall include Hispanic-serving institutions (as defined in section 316(b)(1) of such Act (20 U.S.C. 1059c(b)(1)).

(b) AMOUNT.—(1) Except as provided in paragraph (2), the requirements of subsection (a) for any fiscal year apply to the combined total of the funds obligated for contracts entered into by the Department of Energy pursuant to competitive procedures for such fiscal year for purposes of carrying out national security programs of the Department.

(2) In computing the combined total of funds under paragraph (1) for a fiscal year, funds obligated for such fiscal year for contracts for naval reactor programs shall not be included.

(c) APPLICABILITY.—Subsection (a) does not apply—

(1) to the extent to which the Secretary of Energy determines that compelling national security considerations require otherwise; and

(2) if the Secretary notifies the Congress of such a determination and the reasons for the determination.

#### SEC. 3160. AMENDMENTS TO STEVENSON-WYDLER TECHNOLOGY INNOVATION ACT OF 1980.

Section 12(d) of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)) is amended—

(1) in paragraph (2)(B)—

(A) by inserting "(including a weapon production facility of the Department of Energy)" after "facilities"; and

(B) by inserting "or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components," after "research and development";

(2) in paragraph (2)(C)—

(A) by inserting "(including a weapon production facility of the Department of Energy)" after "facility"; and

(B) by inserting "or the production, maintenance, testing, or dismantlement of a nuclear weapon or its components," after "research and development";

(3) in paragraph (2), by striking out "propulsion program; and" in the matter following subparagraph (C) and inserting in lieu thereof "propulsion program";

(4) in paragraph (3), by striking out the period and inserting in lieu thereof "and"; and

(5) by adding at the end the following new paragraph:

"(4) the term 'weapon production facility of the Department of Energy' means a facility under the control or jurisdiction of the Secretary of Energy that is operated for national security purposes and is engaged in the production, maintenance, testing, or dismantlement of a nuclear weapon or its components."

#### SEC. 3161. CONFLICT OF INTEREST PROVISIONS FOR DEPARTMENT OF ENERGY EMPLOYEES.

(a) REPEAL.—Sections 603, 604, 605, 606, and 607 of the Department of Energy Organization Act (42 U.S.C. 7213 through 7217) are repealed.

(b) WAIVER.—Subsection (c) of section 602 of such Act (42 U.S.C. 7212) is amended—

(1) by inserting "(1)" after "(c)";

(2) by redesignating paragraphs (1), (2), and (3), as subparagraphs (A), (B), and (C), respectively; and

(3) by adding at the end the following new paragraph:

"(2)(A) The Secretary may, on a case-by-case basis, waive the requirements of this section for a supervisory employee covered if the Secretary finds that the waiver is in the best interests of the Department. A waiver under this paragraph is effective for that supervisory employee only if that supervisory employee establishes a qualified trust as provided in subparts D and E of 5 Code of Federal Regulations part 2634, as in effect on the date of the enactment of this provision. The provisions of section 2634.403(b)(3) of such part shall not apply to this paragraph.

"(B) A waiver under this paragraph shall be published in the Federal Register and shall contain the basis for the finding required by this paragraph. The waiver shall be for such period as the Secretary shall prescribe and may be renewed by the Secretary."

(c) CONFORMING AMENDMENTS.—(1) Part A of title VI of such Act (42 U.S.C. 7211 et seq.) is amended—

(A) in section 601(c)(1), by striking out "sections 602 through 606" and inserting in lieu thereof "section 602";

(B) in section 601(d)—

(i) by striking out "sections 602(a), 603(a), 605(a), and 606" and inserting in lieu thereof "section 602(a)"; and

(ii) by striking out the third sentence;

(C) in section 602(d), by striking out "pursuant to section 603" and inserting in lieu thereof "to the extent known";

(D) by redesignating section 608 as section 603; and

(E) in section 603, as redesignated by subparagraph (D)—

(i) by striking out subsections (a) and (c);  
(ii) by redesignating subsections (b) and (d) as subsections (a) and (b), respectively; and  
(iii) in subsection (a), as redesignated by clause (ii), by striking out "section 602, 603, 604, 605, or 606" and inserting in lieu thereof "section 602".

(2) The table of contents at the beginning of such Act is amended by striking out the items relating to sections 603, 604, 605, 606, 607, and 608 and inserting in lieu thereof the following:

"Sec. 603. Sanctions."

(d) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the application of part A of title VI of the Department of Energy Organization Act (42 U.S.C. 7211 et seq.) to the Department of Energy and its officers and employees. The report shall—

(1) take into consideration the amendments to part A of title VI of such Act made by subsections (a), (b), and (c) of this section;

(2) examine whether the provisions of part A of title VI of such Act are necessary, taking into consideration other provisions of law regarding conflicts of interest and other statutes and requirements similar to part A that are applicable to other Federal agencies, including offices and bureaus of the Department of the Interior and the Federal Communications Commission;

(3) examine the scope of coverage under the provisions of part A of title VI of such Act for supervisory employees of the Department of Energy, and the definition of the term 'energy concern' under section 601(b) of such Act, taking into consideration changes in responsibilities and duties of the Department of Energy under the Energy Policy Act of 1992 (Public Law 102-486; 106 Stat. 2776) and under other laws enacted after the establishment of the Department, and advise whether such provisions are adequate, overly broad, or too limiting, as applied to the Department;

(4) examine whether the divestiture provisions of part A of title VI of such Act are needed, in addition to other applicable provisions of law and regulations relating to divestiture, to protect the public interest;

(5) identify the provisions of law and regulations referred to in paragraph (4) and explain the manner and extent to which such provisions are adequate for all of the employees covered by part A of title VI of such Act; and

(6) include any recommendations that the Secretary considers appropriate.

#### **TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

##### **SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 1994, \$16,560,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

##### **SEC. 3202. REQUIREMENT FOR TRANSMITTAL TO CONGRESS OF CERTAIN INFORMATION PREPARED BY DEFENSE NUCLEAR FACILITIES SAFETY BOARD.**

(a) REQUIREMENT.—Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended—

(1) by redesignating section 320 as section 321; and

(2) by inserting after section 319 the following new section 320:

##### **"SEC. 320. TRANSMITTAL OF CERTAIN INFORMATION TO CONGRESS.**

"Whenever the Board submits or transmits to the President or the Director of the Office

of Management and Budget any legislative recommendation, or any statement or information in preparation of a report to be submitted to the Congress pursuant to section 316(a), the Board shall submit at the same time a copy thereof to the Congress."

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) is amended by striking out the item relating to section 320 and inserting in lieu thereof the following:

"Sec. 320. Transmittal of certain information to Congress.

"Sec. 321. Annual authorization of appropriations."

#### **TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

##### **Subtitle A—Authorizations of Disposals and Use of Funds**

##### **SEC. 3301. DISPOSAL OF OBSOLETE AND EXCESS MATERIALS CONTAINED IN THE NATIONAL DEFENSE STOCKPILE.**

(a) DISPOSAL AUTHORIZED.—Subject to the conditions specified in subsection (b), the President may dispose of obsolete and excess materials currently contained in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) in order to modernize the stockpile. The materials subject to disposal under this subsection and the quantity of each material authorized to be disposed of by the President are set forth in the following table:

**Authorized Stockpile Disposals**

Material for disposal	Quantity
Analgesics .....	53,525 pounds of anhydrous morphine alkaloid
Antimony .....	32,140 short tons
Diamond Dies, Small ....	25,473 pieces
Manganese, Electrolytic .....	14,172 short tons
Mica, Muscovite Block, Stained and Better.	1,866,166 pounds
Mica, Muscovite Film, 1st & 2d quality.	158,440 pounds
Mica, Muscovite Splittings.	12,540,382 pounds
Quinidine .....	2,471,287 avoirdupois ounces
Quinidine, Non-Stockpile Grade.	1,691 avoirdupois ounces
Quinine .....	2,770,091 avoirdupois ounces
Quinine, Non-Stockpile Grade.	475,950 avoirdupois ounces
Rare Earths .....	504 short dry tons
Vanadium Pentoxide ....	718 short tons of contained vanadium

(b) CONDITIONS ON DISPOSAL.—The authority of the President under subsection (a) to dispose of materials stored in the National Defense Stockpile may not be used unless and until the Secretary of Defense certifies to Congress that the disposal of such materials will not adversely affect the capability of the stockpile to supply the strategic and critical materials necessary to meet the needs of the United States during a period of national emergency that requires a significant level of mobilization of the economy of the United States, including any reconstitution of the military and industrial capabilities necessary to meet the planning assumptions used by the Secretary of Defense under section 14(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5(b)).

##### **SEC. 3302. AUTHORIZED USES OF STOCKPILE FUNDS.**

Subject to such limitations as may be provided in appropriations Acts, during fiscal year 1994, the National Defense Stockpile Manager may obligate up to \$67,300,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h)

for the authorized uses of such funds under subsection (b)(2) of such section.

##### **SEC. 3303. REVISION OF AUTHORITY TO DISPOSE OF CERTAIN MATERIALS AUTHORIZED FOR DISPOSAL IN FISCAL YEAR 1993.**

(a) CHROMITE AND MANGANESE ORES.—During fiscal year 1994, the disposal of chromite and manganese ores of metallurgical grade under the authority of section 3302(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2649; 50 U.S.C. 98d note) may be made only for processing within the United States and the territories and possessions of the United States.

(b) CHROMIUM AND MANGANESE FERRO.—Section 3302(f) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 106 Stat. 2651; 50 U.S.C. 98d note) is amended by striking out "October 1, 1993" and inserting in lieu thereof "October 1, 1994".

##### **SEC. 3304. CONVERSION OF CHROMIUM ORE TO HIGH PURITY CHROMIUM METAL.**

(a) UPGRADE PROGRAM AUTHORIZED.—Subject to subsection (b), the National Defense Stockpile Manager may carry out a program to upgrade to high purity chromium metal any stocks of chromium ore held in the National Defense Stockpile provided for in section 4 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98c) if the National Defense Stockpile Manager determines that additional quantities of high purity chromium metal are needed in the stockpile.

(b) INCLUSION IN ANNUAL MATERIALS PLAN.—Before entering into any contract in connection with the upgrade program authorized under subsection (a), the National Defense Stockpile Manager shall include a description of the upgrade program in the report containing the annual materials plan for the operation of the National Defense Stockpile required to be submitted to Congress under section 11(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-2(b)) or in a revision of the report made in the manner provided by section 5(a)(2) of such Act (50 U.S.C. 98d(a)(2)).

##### **Subtitle B—Programmatic Changes**

##### **SEC. 3311. STOCKPILING PRINCIPLES.**

Section 2(c) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a(c)) is amended—

(1) in paragraph (2), by striking out "The quantities" and inserting in lieu thereof "Before October 1, 1994, the quantities"; and

(2) by adding at the end the following new paragraph:

"(3) On and after October 1, 1994, the quantities of materials stockpiled under this Act should be sufficient to meet the needs of the United States during a period of a national emergency that would necessitate an expansion of the Armed Forces together with a significant mobilization of the economy of the United States under planning guidance issued by the Secretary of Defense."

##### **SEC. 3312. MODIFICATION OF NOTICE AND WAIT REQUIREMENTS FOR DEVIATIONS FROM ANNUAL MATERIALS PLAN.**

Section 5(a)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98d(a)(2)) is amended by striking out "and a period of 30 days" and all that follows through "more than three days to a day certain," and inserting in lieu thereof "and a period of 45 days has passed from the date of the receipt of such statement by such committees."

##### **SEC. 3313. ADDITIONAL AUTHORIZED USES OF THE NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.**

(a) EMPLOYEE PAY AND OTHER EXPENSES.—Section 9(b)(2) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C.

98h(b)(2)) is amended by adding at the end the following new subparagraphs:

“(J) Pay of employees of the National Defense Stockpile program.

“(K) Other expenses of the National Defense Stockpile program.”.

(b) CONFORMING AMENDMENT.—Section 9(b) of such Act (50 U.S.C. 98h(b)) is amended by striking out paragraph (4).

**SEC. 3314. NATIONAL EMERGENCY PLANNING ASSUMPTIONS FOR BIENNIAL REPORT ON STOCKPILE REQUIREMENTS.**

Section 14(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h-5(b)) is amended—

(1) in the first sentence, by striking out “, based upon” and all that follows through “three years.” and inserting in lieu thereof a period; and

(2) by inserting after the first sentence the following new sentences: “Before October 1, 1994, such assumptions shall be based upon the total mobilization of the economy of the United States for a sustained conventional global war for a period of not less than three years. On and after October 1, 1994, such assumptions shall be based on an assumed national emergency involving military conflict that necessitates an expansion of the Armed Forces together with a significant mobilization of the economy of the United States.”.

**TITLE XXXIV—CIVIL DEFENSE**

**SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.**

There is hereby authorized to be appropriated \$146,391,000 for fiscal year 1994 for the purpose of carrying out the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.).

**SEC. 3402. MODERNIZATION OF THE CIVIL DEFENSE SYSTEM.**

(a) DECLARATION OF POLICY.—Section 2 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251) is amended to read as follows:

**“SEC. 2. DECLARATION OF POLICY.**

“The purpose of this Act is to provide a system of civil defense for the protection of life and property in the United States from hazards and to vest responsibility for civil defense jointly in the Federal Government and the several States and their political subdivisions. The Congress recognizes that the organizational structure established jointly by the Federal Government and the several States and their political subdivisions for civil defense purposes can be effectively utilized to provide relief and assistance to people in areas of the United States struck by a hazard. The Federal Government shall provide necessary direction, coordination, and guidance and shall provide necessary assistance as authorized in this Act.”.

(b) DEFINITION OF HAZARD.—Section 3 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2252) is amended—

(1) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively;

(2) by inserting before subsection (b), as so redesignated, the following new subsection (a):

“(a) The term ‘hazard’ means an emergency or disaster resulting from—

“(1) a natural disaster; or

“(2) an accidental or man-caused event, including a civil disturbance and an attack-related disaster.”;

(3) in subsection (b), as so redesignated—

(A) by striking out “attack” the first place it appears and inserting in lieu thereof “attack-related disaster”; and

(B) by striking out “atomic” and inserting in lieu thereof “nuclear”; and

(4) in subsection (c), as so redesignated, by striking out “and, for the purposes of this Act” and all that follows through “natural disaster;” and inserting in lieu thereof a period; and

(5) by striking out subsection (d), as so redesignated, and inserting in lieu thereof the following new subsection:

“(d) The term ‘civil defense’ means all those activities and measures designed or undertaken to minimize the effects of a hazard upon the civilian population, to deal with the immediate emergency conditions which would be created by the hazard, and to effectuate emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by the hazard. Such term shall include the following:

“(1) Measures to be undertaken in preparation for anticipated hazards (including the establishment of appropriate organizations, operational plans, and supporting agreements, the recruitment and training of personnel, the conduct of research, the procurement and stockpiling of necessary materials and supplies, the provision of suitable warning systems, the construction or preparation of shelters, shelter areas, and control centers, and, when appropriate, the non-military evacuation of civil population).

“(2) Measures to be undertaken during a hazard (including the enforcement of passive defense regulations prescribed by duly established military or civil authorities, the evacuation of personnel to shelter areas, the control of traffic and panic, and the control and use of lighting and civil communications).

“(3) Measures to be undertaken following a hazard (including activities for fire fighting, rescue, emergency medical, health and sanitation services, monitoring for specific dangers of special weapons, unexploded bomb reconnaissance, essential debris clearance, emergency welfare measures, and immediately essential emergency repair or restoration of damaged vital facilities).”.

(c) CONFORMING AMENDMENTS TO REFLECT DEFINITION OF HAZARD.—(1) Section 201 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281) is amended—

(A) in subsection (c), by striking out “an attack or natural disaster” and inserting in lieu thereof “a hazard”; and

(B) in subsection (d), by striking out “attacks and natural disasters” and inserting in lieu thereof “hazards”; and

(C) in subsection (g)—

(i) by striking out “an attack or natural disaster” the first place it appears and inserting in lieu thereof “a hazard”; and

(ii) by striking out “undergoing an attack or natural disaster” and inserting in lieu thereof “experiencing a hazard”.

(2) Section 205(d)(1) of such Act (50 U.S.C. App. 2286(d)(1)) is amended by striking out “natural disasters” and inserting in lieu thereof “hazards”.

(d) STATE USE OF FUNDS FOR PREPARATION AND RESPONSE.—(1) Section 207 of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2289) is amended to read as follows:

**“SEC. 207. USE OF FUNDS TO PREPARE FOR AND RESPOND TO HAZARDS.**

“Funds made available to the States under this Act may be used by the States for the purposes of preparing for, and providing emergency assistance in response to hazards. Regulations prescribed to carry out this section shall authorize the use of civil defense personnel, materials, and facilities supported in whole or in part through contributions under this Act for civil defense activities and measures related to hazards.”.

(2) The item relating to section 207 in the table of contents in the first section of such Act is amended to read as follows:

“Sec. 207. Use of funds to prepare for and respond to hazards.”.

(e) REPEAL OF OBSOLETE PROVISIONS.—(1) Title V of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2301-2303) is repealed.

(2) The table of contents in the first section of such Act is amended by striking out the items related to title V.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of contents in the first section of the Federal Civil Defense Act of 1950 is amended—

(A) by inserting after the item relating to section 204 the following new item:

“Sec. 205. Contributions for personnel and administrative expenses.”;

and

(B) by inserting after the item relating to section 412 the following new item:

“Sec. 413. Applicability of Reorganization Plan Numbered 1.”.

(2) Section 3 of such Act (50 U.S.C. App. 2252), as amended by subsection (b) of this section, is further amended—

(A) in each of subsections (b), (e), (f), and (g), as redesignated by subsection (b)(1) of this section, by striking out the semicolon at the end and inserting in lieu thereof a period; and

(B) in subsection (h), as so redesignated, by striking out “; and” and inserting in lieu thereof a period.

(3) Section 205 of such Act (50 U.S.C. App. 2286) is amended by striking out “SEC. 205.” and inserting in lieu thereof the following:

**“SEC. 205. CONTRIBUTIONS FOR PERSONNEL AND ADMINISTRATIVE EXPENSES.”.**

(g) AMENDMENT FOR STYLISTIC CONSISTENCY.—The Federal Civil Defense Act of 1950 (50 U.S.C. App. 2251 et seq.) is further amended so that the section designation and section heading of each section of such Act shall be in the same form and typeface as the section designation and heading of section 2 of such Act, as amended by subsection (a) of this section.

**TITLE XXXV—PANAMA CANAL COMMISSION**

**SEC. 3501. SHORT TITLE.**

This title may be cited as the “Panama Canal Commission Authorization Act for Fiscal Year 1994”.

**SEC. 3502. AUTHORIZATION OF EXPENDITURES.**

(a) IN GENERAL.—The Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1994.

(b) LIMITATIONS.—Expenditures under subsection (a) for administrative expenses may not exceed \$51,742,000, of which not more than—

(1) \$11,000 may be expended for official reception and representation expenses of the Supervisory Board of the Commission;

(2) \$5,000 may be expended for official reception and representation expenses of the Secretary of the Commission; and

(3) \$30,000 may be expended for official reception and representation expenses of the Administrator of the Commission.

(c) REPLACEMENT VEHICLES.—Available funds may be used, under the authority of subsection (a), for the purchase of not more than 35 passenger motor vehicles (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama). A vehicle may be purchased under the authority of the preceding sentence only as necessary to replace a passenger motor vehicle of the Commission that is disposed of by the Commission. The purchase price of each vehicle may not exceed \$18,000.

**SEC. 3503. EXPENDITURES IN ACCORDANCE WITH OTHER LAWS.**

Expenditures authorized under this Act may be made only in accordance with the Panama Canal Treaties of 1977 and any law

of the United States implementing those treaties.

**SEC. 3504. EMPLOYMENT OF COMMISSION EMPLOYEES BY THE GOVERNMENT OF PANAMA.**

(a) **CONSENT OF CONGRESS.**—Subject to subsection (b), the Congress consents to employees of the Panama Canal Commission who are not citizens of the United States accepting civil employment with agencies and organizations affiliated with the Government of Panama (and compensation for that employment) for which the consent of Congress is required by the 8th clause of section 9 of article I of the Constitution of the United States, relating to acceptance of emolument, office, or title from a foreign State.

(b) **CONDITION.**—Employees described in subsection (a) may accept employment described in such subsection (and compensation for that employment) only if the employment is approved by the designated agency ethics official of the Panama Canal Commission designated pursuant to the Ethics in Government Act of 1978 (5 U.S.C. App.), and by the Administrator of the Panama Canal Commission.

**SEC. 3505. LABOR-MANAGEMENT RELATIONS.**

Section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)) is amended—

(1) in paragraph (1), by striking out “and” after the semicolon;

(2) in paragraph (2), by striking out “supervisors.” and inserting in lieu thereof “supervisors; and”;

(3) by adding at the end the following:

“(3) any negotiated grievance procedures under section 7121 of title 5, United States Code, including any provisions relating to binding arbitration, shall, with respect to any personnel action to which subchapter II of chapter 75 of such title applies (as determined under section 7512 of such title), be available to the same extent and in the same manner as if employees of the Panama Canal Commission were not excluded from such subchapter under section 7511(b)(8) of such title.”

**SEC. 3506. EFFECTIVE DATE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), this title shall take effect as of October 1, 1993.

(b) **SPECIAL RULE.**—Paragraph (3) of section 1271(a) of the Panama Canal Act of 1979 (22 U.S.C. 3701(a)), as added by section 3505(3), shall take effect on the date of the enactment of this Act and shall apply with respect to grievances arising on or after such date.

And the Senate agree to the same.

That the Senate recede from its amendment to the title of the bill.

From the Committee on Armed Services, for consideration of the entire House bill and the entire Senate amendment, and modifications committed to conference:

RONALD V. DELLUMS,  
G.V. MONTGOMERY,  
EARL HUTTO,  
IKE SKELTON,  
DAVE MCCURDY,  
MARILYN LLOYD,  
NORMAN SISISKY,  
JOHN M. SPRATT, Jr.,  
FRANK MCCLOSKEY,  
SOLOMON P. ORTIZ,  
GEORGE HOCHBRUECKNER,  
GENE TAYLOR,  
NEIL ABERCROMBIE,  
TOM ANDREWS,  
CHET EDWARDS,  
ROBERT A. UNDERWOOD,  
JANE HARMAN,  
FLOYD SPENSE,  
DUNCAN HUNTER,  
JOHN R. KASICH,  
HERBERT H. BATEMAN,  
JAMES V. HANSEN,  
CURT WELDON,

ARTHUR RAVENEL, Jr.,  
RONALD K. MACHTLEY,

As additional conferees from the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 2 of rule XLVIII:

DAN GLICKMAN,  
BILL RICHARDSON,  
LARRY COMBEST,

As additional conferees from the Committee on Banking, Finance and Urban Affairs, for consideration of sections 812 and 1316 of the House bill, and sections 1087, 2854, and 2908 of the Senate amendment, and modifications committed to conference:

HENRY GONZALEZ,  
STEVE NEAL,  
PAUL E. KANJORSKI,  
TOM RIDGE,

Provided, Mr. Frank of Massachusetts is appointed in lieu of Mr. Gonzalez and Mr. Bereuter is appointed in lieu of Mr. Ridge solely for the consideration of section 1087 of the Senate amendment:

BARNEY FRANK,  
DOUG BEREUTER,

As additional conferees from the Committee on Education and Labor, for consideration of sections 373, 1303, 1331, 1333-1377, 1343, 1344, and 3103 of the House bill and sections 338, 532, 1088, and 2853 of the Senate amendment, and modifications committed to conference:

WILLIAM D. FORD,  
PAT WILLIAMS,  
TOM PETRI,  
BILL GOODLING,

As additional conferees from the Committee on Energy and Commerce, for consideration of sections 267, 382, 601, 1109, 1314, 2816, 2822, 2829, 2830, 2839, 3105(b) and (c), 3132, 3137, 3140, and 3201 of the House bill and sections 322, 325, 327, 705, 822, 1088, 2802, 2803, 2833, 2842, 2844, 2913, 3106(c), (d), (j), (l), 3131, 3132, 3133, 3136-3147, 3149, 3150, 3201, and 3202 of the Senate amendment, and modifications committed to conference:

JOHN D. DINGELL,  
PHILIP R. SHARP,  
AL SWIFT,  
CARLOS J. MOORHEAD,  
MICHAEL G. OXLEY,

Provided, Mr. Bilely is appointed in lieu of Mr. Oxley solely for the consideration of sections 267, 601, and 1109 of the House bill, and sections 705 and 3106 of the Senate amendment:

TOM BILELY,

Provided, Mr. Bilirakis is appointed in lieu of Mr. Oxley solely for the consideration of sections 1314, 3137, 3140, and 3201 of the House bill, and sections 322, 2802, 2803, 3132, 3136, 3139-3147, 3149, 3150, 3201, and 3202 of the Senate amendment:

MIKE BILIRAKIS,

Provided, Mr. Stearns is appointed in lieu of Mr. Oxley and Mrs. Collins of Illinois is appointed in lieu of Mr. Swift solely for the consideration of section 822 of the Senate amendment:

CLIFF STEARNS,  
CARDISS COLLINS,

Provided, Mr. Schaefer is appointed in lieu of Mr. Oxley solely for the consideration of section 3138 of the Senate amendment:

DAN SCHAEFER,

As additional conferees from the Committee on Foreign Affairs, for consideration of sections 234, 237, 241, 1005, 1008 (relating to funding structure for contingency operations), 1009 (relating to report on humanitarian assistance activities), 1021, 1022, 1034, 1038, 1041, 1043-1045, 1048, 1051-1055, 1105, 1107, 1108, 1201-1203, 1205-1208, 1360, 1501-1510, and 3136 of the House bill, and sections 216, 221, 223, 224, 241-245, 547, 1041, 1042, 1051-1054, 1061, 1067, 1077, 1078, 1083-1085, 1087, 1093, 1094, 1101-1103, and 1105-1107 of the Senate amendment, and modifications committed to conference:

LEE H. HAMILTON,  
SAM GEJDENSON,  
TOM LANTOS,  
BEN GILMAN,

As additional conferees from the Committee on Government Operations, for consideration of sections 818, 829, 1023, 1050, 2816, 2821, 2822, 2823, 2839, and 3140 of the House bill and sections 825, 2843, 2844, and 2909-2908 of the Senate amendment, and modification committed to conference:

JOHN CONYERS, Jr.,  
CARDISS COLLINS,  
GLENN ENGLISH,  
BILL CLINGER,  
AL MCCANDLESS,

As additional conferees from the Committee on the Judiciary, for consideration of section 262 of the House bill, and modifications committed to conference:

JACK BROOKS,  
MIKE SYNAR,  
HOWARD L. BERMAN,  
HAMILTON FISH, Jr.,  
CARLOS J. MOORHEAD,

As additional conferees from the Committee on the Judiciary, for consideration of section 1022 of the House bill, and modifications committed to conference:

JACK BROOKS,  
CHARLES SCHUMER,  
JOHN CONYERS, Jr.,  
F. JAMES SENSENBRENNER,  
Jr.,

HAMILTON FISH, Jr.,

As additional conferees from the Committee on the Judiciary, for consideration of section 1082 of the Senate amendment, and modifications committed to conference:

JACK BROOKS,  
ROMANO L. MAZZOLI,  
JOHN BRYANT,  
HAMILTON FISH, Jr.,  
BILL MCCOLLUM,

As additional conferees from the Committee on Merchant Marine and Fisheries, for the consideration of section 1351, 1352, and 1354-1359 of the House bill and sections 654 and 3501-3506 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,  
BILLY TAUZIN,  
WILLIAM O. LIPINSKI,  
JACK FIELDS,

As additional conferees from the Committee on Merchant Marine and Fisheries, for consideration of sections 265, 1314, and 3137 of the House bill and sections 328, 2841, 2851, 2915, 3103, and 3135 of the Senate amendment, and modifications committed to conference:

GERRY E. STUDDS,  
JOLENE UNSOELD,  
JACK REED,  
JACK FIELDS,

As additional conferees from the Committee on Natural Resources, for consideration of section 2818 of the House bill and sections 2855, 3132, 3139, and 3147 of the Senate amendment, and modifications committed to conference:

GEORGE MILLER,  
BRUCE F. VENTO,  
DON YOUNG,

As additional conferees from the Committee on Post Office and Civil Service, for consideration of sections 364, 901, 934, 943, and 1408 of the House bill and sections 523, 1064, and 3504 of the Senate amendment, and modifications committed to conference:

WILLIAM (BILL) CLAY,  
FRANK MCCLOSKEY,  
ELEANOR H. NORTON,  
JOHN T. MYERS,  
CONSTANCE A. MORELLA,

As additional conferees from the Committee on Public Works and Transportation, for consideration of sections 2816 and 2841 of the House bill and sections 1068, 1087, 2833, 2842,



and 2917 of the Senate amendment, and modifications committed to conference:

NORMAN Y. MINETA,  
DOUGLAS APPLIGATE,  
BOB WISE,  
BUD SHUSTER,  
BILL CLINGER,

As additional conferees from the Committee on Rules, for consideration of section 1008 (relating to funding structure for contingency operations) of the House bill, and modifications committed to conference:

BUTLER DERRICK,  
TONY BEILENSEN,  
MARTIN FROST,  
GERALD B.H. SOLOMON,  
JAMES H. QUILLEN,

As additional conferees from the Committee on Science, Space, and Technology, for consideration of sections 215, 262, 265, 1303, 1304, 1312-1318, and 3105 of the House bill and sections 203, 233, 235, 803, and 3141-3148 of the Senate amendment, and modifications committed to conference:

GEORGE E. BROWN, Jr.,  
TIM VALENTINE,  
EDDIE BERNICE JOHNSON,

As additional conferees from the Committee on Small Business, for consideration of section 829 of the House bill, and modifications committed to conference:

JOHN J. LAFALCE,  
NEAL SMITH,  
JAN MEYERS,

As additional conferees from the Committee on Veterans' Affairs, for consideration of sections 1071 and 1079 of the Senate amendment, and modifications committed to conference:

G.V. MONTGOMERY,  
GEORGE E. SANGMEISTER,  
BOB STUMP,

Provided, Mr. Slattery is appointed in lieu of Mr. Sangmeister solely for the consideration of section 1079:

JIM SLATTERY,

As additional conferees from the Committee on Ways and Means, for consideration of sections 635, 705, and 1087 of the Senate amendment, and modifications committed to conference:

J.J. PICKLE,  
*Managers on the Part of the House.*

SAM NUNN,  
J.J. EXON,  
CARL LEVIN,  
EDWARD M. KENNEDY,  
JEFF BINGAMAN,  
JOHN GLENN,  
RICHARD SHELBY,  
ROBERT C. BYRD,  
BOB GRAHAM,  
CHUCK ROBB,  
JOSEPH I. LIEBERMAN,  
RICHARD H. BRYAN,  
STROM THURMOND,  
JOHN WARNER,  
BILL COHEN,  
TRENT LOTT,  
DAN COATS,  
BOB SMITH,  
DIRK KEMPTHORNE,  
KAY BAILEY HUTCHISON,

*Managers on the Part of the Senate.*

When said conference report was considered.

After debate,

By unanimous consent, the previous question was ordered on the conference report to its adoption or rejection.

The question being put, viva voce,

Will the House agree to said conference report?

The SPEAKER pro tempore, Mr. CARDIN, announced that the yeas had it.

Mr. DELLUMS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas ..... 273  
Nays ..... 135

¶133.25 [Roll No. 565]  
YEAS—273

Abercrombie	Goodling	Murtha
Ackerman	Gordon	Natcher
Andrews (ME)	Grandy	Neal (MA)
Andrews (NJ)	Green	Neal (NC)
Andrews (TX)	Greenwood	Olver
Applegate	Gunderson	Ortiz
Bacchus (FL)	Gutierrez	Orton
Baessler	Hall (OH)	Owens
Ballenger	Hall (TX)	Oxley
Barca	Hamilton	Pallone
Barcia	Harman	Parker
Barrett (WI)	Hastings	Pastor
Bateman	Hefner	Payne (VA)
Becerra	Hilliard	Pelosi
Beilenson	Hinchey	Peterson (FL)
Berman	Hoagland	Peterson (MN)
Bevill	Hobson	Pickett
Bilbray	Hochbrueckner	Pickle
Bishop	Holden	Pomeroy
Blackwell	Horn	Porter
Blute	Hoyer	Portman
Bonilla	Hughes	Poshard
Bonior	Hutto	Price (NC)
Borski	Inslee	Pryce (OH)
Boucher	Istook	Quillen
Brewster	Jacobs	Quinn
Browder	Jefferson	Rangel
Brown (CA)	Johnson (CT)	Ravenel
Brown (FL)	Johnson (GA)	Reed
Brown (OH)	Johnson (SD)	Reynolds
Bryant	Johnson, E. B.	Richardson
Buyer	Kanjorski	Ridge
Byrne	Kaptur	Roemer
Camp	Kasich	Ros-Lehtinen
Cantwell	Kennedy	Rose
Cardin	Kennelly	Rostenkowski
Carr	Kildee	Roth
Castle	Klecza	Rowland
Clay	Klein	Roybal-Allard
Clayton	Klink	Royce
Clinger	Kopetski	Rush
Clyburn	Kreidler	Sabo
Coleman	LaFalce	Sangmeister
Collins (MI)	Lambert	Sarpalius
Condit	Lancaster	Saxton
Coppersmith	Lantos	Schenk
Costello	LaRocco	Schroeder
Coyne	Laughlin	Schumer
Cramer	Lazio	Scott
Danner	Lehman	Serrano
Darden	Levin	Sharp
de la Garza	Lewis (GA)	Shepherd
Deal	Lipinski	Sisisky
DeLauro	Lloyd	Skaggs
Dellums	Long	Skelton
Derrick	Lowe	Slaughter
Deutsch	Machtley	Smith (IA)
Dicks	Maloney	Smith (NJ)
Dingell	Mann	Snowe
Dixon	Manton	Spratt
Dooley	Manzullo	Stark
Durbin	Markey	Stenholm
Edwards (TX)	Martinez	Strickland
Emerson	Matsui	Studds
English (AZ)	Mazzoli	Stupak
English (OK)	McCloskey	Sundquist
Eshoo	McCurdy	Swett
Evans	McDade	Swift
Farr	McDermott	Synar
Fazio	McHale	Talent
Fields (LA)	McKinney	Tanner
Filner	McMillan	Tauzin
Ford (MI)	McNulty	Taylor (MS)
Ford (TN)	Meehan	Taylor (NC)
Fowler	Meek	Tejeda
Frank (MA)	Menendez	Thompson
Frost	Mfume	Thornton
Gallegly	Miller (CA)	Thurman
Gejdenson	Miller (FL)	Torkildsen
Gekas	Mineta	Torres
Gephardt	Mink	Torricelli
Geren	Moakley	Towns
Gibbons	Montgomery	Trafigant
Gilchrest	Moran	Tucker
Gonzalez	Murphy	Unsoeld

Upton	Vucanovich	Whitten
Valentine	Walsh	Williams
Velazquez	Waters	Wilson
Vento	Watt	Wyden
Visclosky	Waxman	Wynn
Volkmer	Weldon	Yates

NAYS—135

Allard	Gilman	Michel
Archer	Gingrich	Minge
Armey	Goodlatte	Molinari
Bachus (AL)	Goss	Moorhead
Baker (CA)	Grams	Morella
Baker (LA)	Hamburg	Myers
Barrett (NE)	Hancock	Nadler
Bartlett	Hansen	Nussle
Barton	Hastert	Oberstar
Bentley	Hefley	Obey
Bereuter	Herger	Packard
Bilirakis	Hoekstra	Paxon
Bliley	Hoke	Penny
Boehlert	Houghton	Petri
Boehner	Huffington	Pombo
Bunning	Hunter	Rahall
Burton	Hutchinson	Ramstad
Calvert	Hyde	Regula
Canady	Inglis	Roberts
Coble	Inhofe	Rogers
Collins (GA)	Johnson, Sam	Rohrabacher
Collins (IL)	Johnston	Santorum
Combest	Kim	Schaefer
Conyers	King	Schiff
Cox	Kingston	Sensenbrenner
Crane	Klug	Shaw
Crapo	Knollenberg	Shays
Cunningham	Kolbe	Skeen
DeFazio	Kyl	Smith (MI)
DeLay	Leach	Smith (OR)
Diaz-Balart	Levy	Smith (TX)
Dickey	Lewis (CA)	Solomon
Doolittle	Lewis (FL)	Spence
Dornan	Lightfoot	Stearns
Dreier	Linder	Stump
Duncan	Livingston	Thomas (WY)
Dunn	Margolies-	Walker
Edwards (CA)	Mezvinsky	Washington
Everett	McCandless	Wolf
Ewing	McCollum	Woolsey
Fawell	McCrery	Young (AK)
Fields (TX)	McHugh	Young (FL)
Fish	McInnis	Zeliff
Franks (CT)	McKeon	Zimmer
Franks (NJ)	Meyers	
Gallo	Mica	

NOT VOTING—25

Barlow	Foglietta	Sawyer
Brooks	Furse	Shuster
Callahan	Gillmor	Slattery
Chapman	Glickman	Stokes
Clement	Hayes	Thomas (CA)
Cooper	Mollohan	Wheat
Engel	Payne (NJ)	Wise
Fingerhut	Roukema	
Flake	Sanders	

So the conference report was agreed to.

A motion to reconsider the vote whereby said conference report was agreed to was, by unanimous consent, laid on the table.

*Ordered,* That the Clerk notify the Senate thereof.

¶133.26 H.R. 2121—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. CARDIN, pursuant to clause 5, rule I, announced the unfinished business to be the motion to suspend the rules and pass the bill (H.R. 2121) to amend title 49, United States Code, relating to procedures for resolving claims involving unfilled, negotiated transportation rates, and for other purposes; as amended.

The question being put, viva voce,

Will the House suspend the rules and pass said bill, as amended?

The SPEAKER pro tempore, Mr. CARDIN, announced that two-thirds of those present had voted in the affirmative.